

Also, petition of Emergency Peace Committee of Massachusetts, indorsing the President's efforts to keep the United States out of war with Europe; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 19020, a bill for the relief of Mart Bradshaw; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: Memorial of Joshua Brantingham and 28 other citizens of Columbiana County, Ohio, protesting against compulsory military training in any form; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of members of Woonsocket Council, No. 113, expressing confidence in the President in these days of international uncertainty; to the Committee on Foreign Affairs.

By Mr. KETTNER: Petition of George M. Fedrick and three others, Anaheim; J. W. Donovan, Perris; Charles J. Perkin, Upland; Charles W. Hedges, Anaheim; I. N. Freeman, I. E. McMahan, and J. L. Gierunup, Riverside; and James C. Fritts, Yucaipa, all in the State of California, favoring passage of a bill to grant rural carriers a reasonable allowance for equipment maintenance, also to fix compensation of carriers upon an equitable and specific basis; to the Committee on the Post Office and Post Roads.

Also, petition of E. D. Cunard, Order of Railway Conductors of America, Division No. 392, E. E. Dillard, James J. Blackburn, G. F. Beach, Gus Taylor, and E. L. Bussey, all of San Bernardino, Cal., protesting against passage of House bill 19730; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. L. F. Golay, San Diego, Cal., favoring passage of House bill 17806, the Madden reclassification bill; to the Committee on the Post Office and Post Roads.

Also, petition of Clarence E. Austin, secretary State Rural Letter Carriers' Association, Chula Vista, Cal., favoring passage of bills for protection of rural carriers from being discharged for trivial matters; one that will define what shall be considered a day's work for a rural letter carrier; one providing a maintenance or a replacement fund of \$300 a year like the mounted city carriers receive; to the Committee on the Post Office and Post Roads.

Also, petitions of 1,388 names of persons residing in San Diego County, Cal., protesting against passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; House bill 17850, Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

Also, petition of Newton S. Gandy, Coronado, Cal., urging support of national prohibition and District prohibition bill; to the Committee on the Judiciary.

Also, petition of secretary California Christian Endeavor, Riverside, Cal., favoring strict prohibition amendment without words "for sale"; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Mr. J. O. Corbett, secretary of the Rotary Club of Pittsburgh, Pa., requesting legislation by Congress by which the surplus turned into the Treasury of the United States by the Commissioner of Naturalization may be used in educating the aliens and preparing them for citizenship; also urging support of amendment to the sundry civil bill, by which the Bureau of Naturalization will be authorized to publish a standard textbook for use of aliens; to the Committee on Immigration and Naturalization.

By Mr. OLNEY: Memorial of Men's Club of Atlantic and citizens of Dedham, Mass., indorsing action of the President in severing relations with Germany and pledging support in international crisis; to the Committee on Foreign Affairs.

Also, petition of citizens of Rockland and Dedham, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCHALL: Petition of Roy Bird and others, favoring prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of public meeting at Mahoningtown, Pa., supporting antipolygamy amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the Croton Avenue Methodist Episcopal Church, supporting antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. THOMAS: Petition of citizens of Daysville, Ky., against war with Germany; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Petition of the executive committee, National Association of Life Underwriters, urging Congress to exempt from taxation in the proposed revenue law all life-insur-

ance premiums and funds; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of Clara Miller and 22 citizens of Detroit in favor of House bill 20080, migratory-bird treaty bill; to the Committee on Foreign Affairs.

By Mr. WINSLOW: Petitions of citizens of Worcester, Mass., in behalf of national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Worcester, Mass., on behalf of national prohibition; to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of citizens and taxpayers of West Virginia, protesting against delegating and investing constitutional prerogatives and powers in the Executive of the Government; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, February 27, 1917.

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou who hast led us through all the troublous times of the past and to the ever-increasing sphere of influence and prosperity and greatness as a Nation. We still look to Thee for Thy guidance. We pray that these men in this honorable Senate may catch the inspiration of the history written large with Divine purpose, that they may see clearly the path of duty to accomplish that which has been begun for the good and for the permanent blessing of this land. We pray that the inspiration of the Lord God Almighty may be with us that nothing which we undertake may exclude from it the thought of God, but that Thy purpose may be the guiding and controlling motive and thought of all our acts. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; further insists upon its amendment to the amendment of the Senate No. 58; further insists upon its disagreement to the residue of the amendments of the Senate to the bill still in disagreement; requests a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. BYRNS of Tennessee, Mr. Sisson, and Mr. Good managers at the further conference on the part of the House.

SENATOR FROM WEST VIRGINIA.

Mr. CUMMINS. I present the credentials of Hon. HOWARD SUTHERLAND, duly chosen by the qualified electors of the State of West Virginia a Senator from that State for the term beginning March 4, 1917. I ask that the credentials may be printed in the Record and placed on the files of the Senate.

The credentials are as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, HOWARD SUTHERLAND was duly chosen by the qualified electors of the State of West Virginia as Senator from said State, to represent such State in the Senate of the United States, for the term of six years, beginning on the 4th day of March, 1917.

Witness his excellency our governor, Henry D. Hatfield, and our seal hereto affixed at Charleston this the 20th day of February, in the year of our Lord 1917.

[SEAL.]

By the governor:

HENRY D. HATFIELD.

STUART F. REED,
Secretary of State.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. OVERMAN. I ask that the action of the House be laid before the Senate on the legislative, and so forth, appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other

purposes, further insisting on its disagreement to the amendment No. 58, and further insisting on all other amendments in disagreement, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. Mr. President, I wish to say in connection with this measure that there was a full agreement on the part of the Senate conferees. I wish to say also that the Democratic caucus instructed the committee of which I was chairman of the subcommittee to keep down expenses as much as possible, especially this salary increase of \$26,000,000. In accordance with that instruction the committee brought in the bill. Then the Smoot amendment was adopted on the floor of the Senate.

I wish to say also that the Senate by a large vote accepted that amendment and instructed its conferees to stand by the Smoot amendment. Then, again, on another conference committee the matter was before the Senate on the Agricultural appropriation bill, and the conferees were again instructed to stand by the Senate action. Feeling that way and instructed that way, we have been compelled to adhere to the Smoot amendment.

But, Mr. President, since the action last night we feel that we are instructed otherwise, although the Senate conferees had agreed on the legislative bill as to the Smoot amendment. I ask that the appropriation bill be sent back in order that we may recede, and I want to say that on account of the action of the Senate, as far as I am concerned, I propose to agree with the House amendment for the raise of salaries, because the Senate has, I think, instructed the conferees so to act.

I therefore move that the Senate agree to the further conference asked by the House and that the same conferees be appointed, to wit, Senators OVERMAN, BRYAN, and SMOOT, on the part of the Senate. There is nothing else for us to do but to agree to the action of the House.

Mr. SMOOT. Mr. President, I feel sorry that under the House amendment we could not give the 15 per cent increase to employees receiving \$480 or less, and I regret that the only thing the Senate conferees could do was to agree to the House provision considering the action of the Senate last night. I have always felt that if we could agree in conference to a compromise that would have taken care of employees receiving salaries below \$480 it would have been very much better and it would have relieved many of the most distressing cases in the families of employees of the Government. I have not one or two or a dozen letters, but I have over a hundred letters from employees receiving \$40 a month; in many cases it is stated they have six, and in some cases as high as eight, children. I can not for my life see how those poor people can live, and that is the reason why I wanted the 15 per cent increase on salaries of \$480 and less.

Mr. OVERMAN. I want to say that I think it is our duty after the action of the Senate last night to agree with the action of the House. On all these appropriation bills it is our duty to agree to the House action rather than the action of the Senate, because after the vote here last night I feel that while heretofore we were instructed to stand by the Senate action, the Senate has reversed itself. For myself, the Senate having reversed itself, I feel it to be my duty as one of the conferees to agree to the House action.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina that the Senate further insist on its amendments still in disagreement and agree to the further conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. OVERMAN, Mr. BRYAN, and Mr. SMOOT conferees at the further conference on the part of the Senate.

LAND GRANTS IN IOWA.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of Order of Business 480—

The VICE PRESIDENT. The motion is out of order. The Chair lays before the Senate a communication from the Secretary of the Interior transmitting, in further response to a resolution of the Senate of August 19, 1913, additional letters and documents regarding railway land grants in the State of Iowa, which, with accompanying papers, will be referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. HUSTING. I present resolutions adopted by the Commercial Club of Mayville, Wis., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolutions adopted at the regular monthly meeting of the Mayville Commercial Club, held at the club rooms in the city of Mayville, on Tuesday evening, February 20, 1917.

Whereas the present crisis in our country's international relations are such that we may at any time be precipitated into war; and

Whereas we deem it the duty of every loyal American citizen to uphold our Government in its attempt to guard American rights wherever they may be: It is

Resolved, by the Commercial Club of the city of Mayville, Wis., That we commend the stand of our President in the present crisis and pledge to him our loyal support; and it is further

Resolved, That copies of these resolutions be mailed to His Excellency Woodrow Wilson, President of the United States, to our two United States Senators, and to our Representatives in the House of Representatives.

Dated at Mayville, Wis., February 20, A. D. 1917.

L. M. BACKHUBER, President.

Attest:

E. A. SEITZ, Secretary.

Mr. BRYAN presented petitions of sundry citizens of Florida, praying for national prohibition, which were ordered to lie on the table.

Mr. ROBINSON presented a petition of Local Union No. 586, United Mine Workers of America, of Huntington, Ark., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

He also presented the memorial of R. E. Vick and sundry other citizens of Pine Bluff, Ark., remonstrating against the placing of a tax on mutual life insurance companies, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Dardanelle, Ark., praying for national prohibition, which was ordered to lie on the table.

Mr. STERLING presented a petition of sundry citizens of Faulk County, S. Dak., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Menno, S. Dak., praying that the United States remain at peace and that the question of war be submitted to a referendum of the people, which was referred to the Committee on Foreign Relations.

Mr. GRONNA presented a petition of sundry citizens of Porto Rico, praying for prohibition in Porto Rico, which was ordered to lie on the table.

Mr. GRONNA. I also send to the desk a letter written by J. H. Pifer, of Larimore, N. Dak., on the question of Federal prohibition, which I ask to be read at the desk.

There being no objection, the letter was read, as follows:

LARIMORE, N. DAK., February 24, 1917.

Hon. A. J. GRONNA,

United States Senate, Washington, D. C.

DEAR SIR: As a contractor engaged in the cutting and storing of ice for the Great Northern and Northern Pacific Railways, I engage from 200 to 500 men during the winter in the States of Iowa, Minnesota, North and South Dakota, Montana, Idaho, and Washington. It has been my experience that in the "dry" States I have had very much less trouble with men than in the "wet" States. The conduct of the men is better and there is much less trouble in keeping the men, and I get much better service in the "dry" States. From an economic standpoint, therefore, I am strongly in favor of prohibition.

I am convinced that your vote for national prohibition would be one of the greatest services to the country and your fellowmen that you could do, and I hope you will use your influence in that direction.

Very truly yours,

J. H. PIFER.

Mr. SHERMAN. I send to the desk a communication relating to the same subject presented by the Senator from North Dakota [Mr. GRONNA] which I consider proper to be preserved. I ask that the letter of date February 24, 1917, be printed in the RECORD but not read. It is a letter from Samuel Gompers. I am glad to give it the space required in the RECORD, as it gives various reasons why the prohibition law should not prevail. He seems to have gone wet, Mr. President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., February 24, 1917.

Hon. BEN JOHNSON,

Chairman District of Columbia Committee,

House of Representatives, Washington, D. C.

DEAR SIR: About two weeks ago I addressed a telegram to you, calling attention to the fact that the members of the Cigar Makers' International Union of America were vitally interested in the measure before your committee dealing with the prohibition question in the District of Columbia, the injurious influence of such a measure upon the more than 100,000 workers in the cigar industry. I asked that either myself or Mr. Joseph Dehan might have the opportunity of appearing before your committee and laying before them the facts and figures which would demonstrate the unwisdom and injustice which such a measure would inflict were it enacted into law. Mr. Dehan has been in constant attendance at the meetings of the committee and has had no opportunity of presenting the facts which have been placed in

his possession. For nearly two weeks I have been serving, nearly every day and many evenings, as a member of the advisory commission with the Council of National Defense, dealing there with momentous subjects of first importance in the present situation in which our country is placed, and I have therefore been unable to attend any meeting of your committee.

Of course it would be useless to undertake to present an argument in this letter against the proposal for prohibition, either in the District of Columbia or elsewhere. Suffice it to herein state that my travels, observation, and experience show beyond a measure of doubt that prohibition by law is an iniquitous proposition that carries within its wake not only denial of freedom, fails to accomplish the purpose of curing the drink evil—an evil admitted by all—and that it (prohibition by law) is violative of the fundamental principles of human freedom, that there is no agency so potent to make men temperate in all their habits as the much misunderstood and misrepresented organized labor movement—a movement which brings improvement in the mental and physical status of our people and reduces to a minimum the desire, the taste, or the habit of intemperance.

Then again, the method by which the measure now before Congress is sought to be forced through without due consideration of all elements and all of the people involved, and without even giving the people of the District of Columbia an opportunity to express themselves thereon.

It ought not to require an argument to any American Congressman to convince him against a procedure unheard of in the legislative annals of our country, and particularly when a proposal is of a character so violative of rights and interests and involving so large a number of people.

To-day our country and our people are confronted by a crisis in their lives; no one can now foretell its widespread influences and consequences. In such a situation is it wise, is it just, is it patriotic to divide our people in the face of such a crisis?

I have only referred indirectly to the great economic injury to the more than 100,000 members in the cigar industry, and to their families, involved in the proposal before your committee. How far-reaching the evil influence of such a piece of legislation would result upon the lives of several millions of workers, directly and indirectly employed in the industry sought to be crushed, surely deserves some consideration; surely more consideration than can be given to it in the limit of three hours' debate under which this great question is to be disposed of should the pending recommendation of the Committee on Rules prevail.

In the name of the Cigar Makers' International Union of America, its men, their women and children, I am authorized and do protest against the disposal of this important question in this summary and unjust manner.

Very respectfully, yours,

SAML. GOMPERS,
First Vice President of the
Cigar Makers' International Union of America.

A letter of which the above is a copy was sent to Hon. BEN JOHNSON.—S. G.

Mr. CURTIS (for Mr. GALLINGER) presented a petition of the Woman's Christian Temperance Union, of West Groton, N. H., praying for national prohibition, which was ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Falls of Schuylkill, Pa., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Mahonington and New Castle, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry granges, all in the State of Pennsylvania, remonstrating against the proposed reduction of the tax on oleomargarine, which were ordered to lie on the table.

He also presented a memorial of the Federated Trades Council of Reading, Pa., remonstrating against the United States becoming engaged in the European war, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Labor Union of Erie, Pa., remonstrating against compulsory military service, which was ordered to lie on the table.

He also presented a petition of the Central Labor Union of Erie, Pa., praying that the increased expenses of the Government be met by an increased income tax and tax on profits, which was ordered to lie on the table.

He also presented a petition of the Pennsylvania Association of Union Volunteer Officers of the Civil War, praying for the passage at this session of the so-called Volunteer officers' retired bill, which was ordered to lie on the table.

Mr. WARREN presented a petition of the Board of School Trustees of School District No. 18, of Superior, Wyo., praying for the use of all surplus funds from naturalization sources for the education of immigrants, which was ordered to lie on the table.

Mr. THOMPSON presented a memorial of sundry citizens of Lawrence, Kans., remonstrating against the proposed reduction in the tax on oleomargarine, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Walton, Kans., praying for national prohibition, which was ordered to lie on the table.

Mr. PHELAN presented a memorial of Typographical Union No. 144, of Fresno, Cal., remonstrating against any change in the second-class postal rates, which was ordered to lie on the table.

Mr. McLEAN presented petitions of sundry citizens of New Britain, Cannondale, Moodus, Hazardville, Hartford, Seymour, New Haven, Portland, Norwich, Ansonia, Bridgeport, Orange, and Waterbury, all in the State of Connecticut, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the congregation of the Swedish Lutheran Church of North Grosvenordale, Conn., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of New Haven, New Britain, Sharon, Greenwich, and Hartford, all in the State of Connecticut, praying for an appropriation for the enforcement of the child-labor law, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Bridgeport, New Haven, and Waterbury, all in the State of Connecticut, praying for universal compulsory military training, which were ordered to lie on the table.

Mr. PENROSE presented a petition of the editors and staff of the Philadelphia (Pa.) Daily Record, praying for the passage of the volunteer officers' retirement bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. POINDEXTER. I present a telegram from the Chamber of Commerce and Commercial Club of Seattle, Wash., praying for an appropriation for roads in Alaska, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the telegram was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., February 25, 1917.

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.:

Advised appropriation for construction and maintenance of roads in Alaska recommended by War Department stricken from bill in House. Absolutely essential to Alaskan development and prosperity that this item be reinstated. Alaska development now assuming enormous proportions, due to encouragement and aid extended by National Congress. Commerce for 1916 totaled in excess of \$110,000,000, increase over 1915 of 50 per cent. Development of Alaska dependent absolutely upon transportation facilities; wagon-road construction most important. Respectfully urge you to use every effort possible to secure reinstatement of small appropriation of \$500,000 recommended; should be four times as great.

ALASKA BUREAU SEATTLE CHAMBER OF COMMERCE
AND COMMERCIAL CLUB.

Mr. POINDEXTER. I present a telegram from the Commercial Club of Hoquiam, Wash., favoring the passage of the river and harbor bill, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

HOQUIAM, WASH., February 26, 1917.

Hon. MILES POINDEXTER,
Senate, Washington, D. C.:

After full and careful consideration we indorse majority committee report rivers and harbors bill and urge your unqualified support of same as submitted.

HOQUIAM COMMERCIAL CLUB,
E. B. ARTHAUD, President.

Mr. POINDEXTER presented a memorial of the Chamber of Commerce of Seattle, Wash., remonstrating against the proposed tax on excess profits of corporations, which was ordered to lie on the table.

He also presented a petition of the Commercial Club, of Reno, Nev., praying for the enactment of legislation to prevent the charging of higher rates in interstate commerce for short hauls than for long ones on the same line, which was referred to the Committee on Interstate Commerce.

Mr. LODGE. I present resolutions adopted by the Men's Club, of Atlantic, Mass., approving the severance of relations with Germany and in support of the maintenance of American rights. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the policy of frightfulness announced by the Imperial German Government on February 1 is imperiling American lives and practically blockading American ports: Therefore be it

Resolved, That we, the Men's Club, of Atlantic, Mass., unequivocally approve the action of the President in severing diplomatic relations with the German Empire; be it further

Resolved, That we pledge unswerving support to the President in any action which he may take to enforce international law, to break the present virtual blockade of American ports, and to protect American lives and interests upon the seas; and, finally, be it

Resolved, That copies of these resolutions be sent to the President of the United States and to our Representatives in Congress.

Mr. TILLMAN presented petitions of sundry citizens of Abbeville, Georgetown, and Columbia, all in the State of South Caro-

lina, praying for national prohibition, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. JAMES, from the Committee on Patents, to which was referred the bill (H. R. 12716) amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States, reported it with amendments.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 8267) granting the sum of \$549.12 to Clara Kane, dependent foster parent, by reason of the death of William A. Yenser, late civil employee, killed as result of an accident at Philadelphia Navy Yard, reported it without amendment and submitted a report (No. 1112) thereon.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which were referred the following bills and joint resolutions, reported them without amendment and submitted reports thereon:

S. 6570. A bill for the relief of W. H. Overocker (Rept. No. 1114);

S. 7065. A bill for the relief of the estate of Charles Le Roy, deceased (Rept. No. 1113);

H. R. 1571. An act for the relief of Albert T. Huso (Rept. No. 1115);

H. R. 9335. An act for the relief of Mrs. W. E. Crawford (Rept. No. 1116);

H. R. 9737. An act for the relief of John A. Bingham (Rept. No. 1117);

H. R. 14345. An act to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen (Rept. No. 1119);

S. J. Res. 189. Joint resolution authorizing the Postmaster General to provide the postmaster at Lamar, Colo., with a special canceling die for the third national convention of the Young Men's Business Associations of America (Rept. No. 1120);

S. J. Res. 212. Joint resolution authorizing the Postmaster General to provide the postmaster at Wichita, Kans., with a special canceling die for the fall carnival and exposition of that city (Rept. No. 1121); and

H. J. Res. 203. Joint resolution authorizing the Postmaster General to provide the postmaster of Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration (Rept. No. 1122).

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment:

S. 379. A bill to authorize the acceptance of certain lands by the United States for a military park reservation, and for other purposes; and

S. 5096. A bill for the relief of Henry von Hess.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the amendment submitted by himself on the 26th instant, proposing to appropriate \$1,200 to pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-fourth Congress, etc., reported it favorably, without amendment, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation, reported it without amendment and submitted a report (No. 1118) thereon.

Mr. CATRON, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5182. An act requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington (S. Rept. No. 1123); and

H. R. 5948. An act for the relief of Hays Gaskill (S. Rept. No. 1124).

ADDITIONAL JUDGES.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably with amendments the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia, and I ask for its present consideration. I wish to say that this bill has passed the House unanimously, and it comes here with a unanimous report from the Judiciary Committee. The District of Columbia is in a bad condition in regard to courts. We have investigated the matter thoroughly. For 300,000 people there are only six judges. We think the number ought to be increased, and I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment was, on page 1, line 5, after the word "justices," to insert the words "of the court of appeals of the District of Columbia, and two additional associate justices."

The amendment was agreed to.

The next amendment was, in line 9, to strike out the words "supreme court" and insert the words "courts, respectively."

The amendment was agreed to.

The next amendment was, in line 9, after the word "receive," to insert the word "respectively."

The amendment was agreed to.

Mr. LEA of Tennessee. I offer an amendment to the bill.

Mr. OVERMAN. I ask that the title be amended, but I suppose that will come after the bill is passed.

The VICE PRESIDENT. We are not near the title yet. The Senator from Tennessee offers an amendment, which will be read.

Mr. LEA of Tennessee. I offer an amendment creating a judge for the middle district of Tennessee. There is no other opportunity to have it become a law. It is the same as the bill which passed the Senate the other day.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 2. That hereafter there shall be for each of the two judicial districts, to wit, the middle district and the eastern district in the State of Tennessee, a district judge of the United States, who shall be appointed by the President, by and with the consent of the Senate, and who shall possess the same qualifications and shall have the same powers and jurisdiction, and receive the same compensation prescribed by law in respect to district judges of the United States: *Provided*, That the judge now acting in both said districts shall continue to act in both said districts until a judge is appointed and qualified for the middle district as hereinafter provided.

That the district judge now holding office and acting for both said districts shall be assigned to and hereafter be the district judge for the eastern district in said State.

That the eastern district of said State shall be composed of the counties embraced in the eastern grand division of the State of Tennessee.

That the middle district of said State shall be composed of the counties now embraced in the middle grand division of the State of Tennessee.

That the President of the United States, by and with the advice and consent of the Senate, shall appoint the district judge for the middle district in said State, who shall, as to all business and proceedings arising in said middle judicial district, possess and exercise all the powers conferred by existing law upon judges of the district courts of the United States, and who shall succeed to and possess the same powers and perform the same duties within the said middle judicial district as are now possessed and performed by the district judge acting for both said districts in said State.

That terms of court may be held in the eastern judicial district of said State at the places and in the manner now prescribed by law.

That terms of court may be held in the middle judicial district of said State at Nashville, in said State, in each year on the first Mondays of April and October, and at Cookeville, in said State, on the first Mondays in February and June, after the passage of this act.

That the clerks of the courts of the eastern judicial district of Tennessee and the marshal and district attorney for said district shall perform the duties of their offices in the manner now prescribed by law for said district.

That the clerk of the court for the middle judicial district of Tennessee and the marshal and district attorney for said district shall keep their offices in the city of Nashville, in said State, and shall do and perform all the duties appertaining to their offices for said court.

That terms of court may be held at the places prescribed by this act and in the manner now prescribed by law in the middle judicial district by the judge of the eastern judicial district, or in the eastern judicial district by the judge of the middle judicial district, provided it is mutually agreed by and between the judges of each of said districts that the public interest demands it.

That all laws and parts of laws so far as inconsistent with the provisions of this act are hereby repealed.

Mr. OVERMAN. I can not accept that amendment. This is a bill which passed the House unanimously, and if there is placed on it an amendment creating a judge in Tennessee the District here can not get the relief they are entitled to. I hope the amendment of the Senator from Tennessee will be voted down. I do not want to antagonize the Senator's bill; I voted for it in committee; but it ought not to go on this bill, because if it goes on this bill neither the Senator's bill nor this bill can pass.

Mr. LEA of Tennessee. I believe if it goes on this bill both will pass, and if it does not go on the bill I do not believe either will pass.

Mr. JAMES. The bill reported by the Senator from North Carolina has passed the House.

Mr. LEA of Tennessee. And if the House concurs in this amendment, both Tennessee and the District of Columbia will have relief. We need in Tennessee an additional judge as much as they need two additional judges in the District of Columbia. If I can prevent the bill creating the two judges for the Dis-

trict of Columbia from passing without the amendment, it will not pass.

Mr. OVERMAN. I want to say to the Senator from Tennessee that if the bill goes to conference and the House conferees object to the amendment, I shall, for one, recede from it. With that understanding, I will let the amendment go on the bill.

Mr. LEA of Tennessee. I am very glad to hear that.

Mr. OVERMAN. I, for one, shall recede at once from the amendment if the House conferees object to it; and I want to give that notice.

Mr. LEA of Tennessee. My belief is that the House will concur in the amendment and that both Tennessee and the District of Columbia will receive the relief which they need.

Mr. CLARK. Mr. President, I very much regret to see this amendment go on the bill, because I believe that it will jeopardize both bills. I was in favor of the Tennessee bill, and I am still in favor of it, but I am also in favor of the District of Columbia bill. The fact of the matter is that the courts in this District are tremendously congested, and have been so for four years. Their dockets are months and even years behind. It is impossible for them to transact the constantly accumulating and growing business of the District. I regret that this complication has arisen, because I fear the result. While, of course, I shall do nothing that would be adverse to the decision of the acting chairman of the committee, I had hoped that it might be different.

The VICE PRESIDENT. The question is on the amendment of the Senator from Tennessee [Mr. LEA].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read:

A bill to create two additional associate justices of the Court of Appeals of the District of Columbia and two additional associate justices of the Supreme Court of the District of Columbia, and for other purposes.

DONATION OF LANDS TO UNIVERSITY OF NEBRASKA.

Mr. NORRIS. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 8307) authorizing the granting of patent to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experiment purposes, and I submit a report (No. 1111) thereon.

The report is a unanimous one upon the bill, which proposes to give some public land to the University of Nebraska for experimental farming purposes. The bill has received the approval of the Secretary of the Interior, of the Secretary of Agriculture, and a similar bill in exact language has received the unanimous report of the Committee on the Public Lands of the other House. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Mr. President, there is so much confusion in the Chamber that I could not hear what the Senator from Nebraska said.

Mr. NORRIS. I thought I was talking loudly enough to be heard.

Mr. SMOOT. The Senator was talking loudly.

Mr. NORRIS. But I will repeat my statement. The bill which I have just reported provides for giving to the University of the State of Nebraska some public land for farm experimental purposes. I repeat, it has received the approval of the Public Lands Committee of the Senate, of the Secretary of Agriculture, of the Secretary of the Interior, and a bill in exactly the same form has been unanimously reported by the Committee on the Public Lands of the other House. The bill contains a provision that whenever the State of Nebraska ceases to use the land, according to the terms of the bill, for experimental purposes it shall revert to the United States.

Mr. SMOOT. Did the Senator state that the bill had been reported from the Committee on Public Lands of the Senate?

Mr. NORRIS. Yes.

Mr. SMOOT. I have not received a notice of a meeting of the committee or heard anything in reference to the bill.

Mr. NORRIS. I think the Senator signed the report on the bill.

Mr. SMOOT. I do not remember that. However, so far as I am concerned, if the bill contains the provision that the land is to revert to the Government if it is not used—

Mr. NORRIS. It contains such a provision.

Mr. SMOOT. I have no objection to the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to issue patent to the regents of the University of the State of Nebraska for dry-land agricultural experiments to the east half of section 30 and the west half of section 29, township 24 north, range 55 west; also the west half of the northeast quarter and the west half of the southeast quarter, section 29, township 24 north, range 55 west, sixth principal meridian, in the State of Nebraska, but in the event the lands cease to be needed or used for the purposes mentioned they shall revert to the Government of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL PROBATION SYSTEM.

Mr. CUMMINS. For the Judiciary Committee I report favorably and without amendment the bill (H. R. 20414) for the establishment of a probation system in the United States courts, except in the District of Columbia, and I ask unanimous consent for its present consideration.

I may say that it is simply a bill to restore to the Federal courts the power of suspending sentences, which they have exercised from time immemorial, but which now seems to be questioned or denied.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PENROSE. Let the bill be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the courts of the United States having original jurisdiction of criminal actions, except in the District of Columbia, shall have power in any case, except those involving treason, murder, rape, arson, kidnapping, or a second conviction of a felony, after conviction or after a plea of guilty of a felony or misdemeanor and after the imposition of a sentence thereon, but before commitment, to place the defendant upon probation, provided that it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as of the defendants, would be subserved thereby, and may suspend the execution of the sentence for such time and upon such terms as may be deemed best. The probationer shall be provided by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereon. He shall observe the rules prescribed for his conduct by the court and report as directed. No person shall be put on probation except with his or her consent.

SEC. 2. That upon the expiration of the term fixed for such probation the court may thereupon discharge the probationer from further supervision, or may extend the probation, as shall seem advisable. At any time during the probationary term the court may modify the terms and conditions of the order of probation, or may terminate such probation, when in the opinion of the court the ends of justice shall require, and when the probation is so terminated the court shall enter an order discharging the probationer from serving the imposed penalty; or the court may revoke the order of probation and cause the rearrest of the probationer and require him to serve the sentence or pay the fine originally imposed, or both, as the case may be, and the time of probation shall not be taken into account to diminish the time for which he was originally sentenced.

SEC. 3. That the provisions of this act shall also apply to cases where a judge or judges of courts of the United States of original jurisdiction have heretofore, after a plea or verdict of guilty, suspended the imposition or execution of sentence.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDITH BLANKART FUNSTON.

Mr. PHELAN. From the Committee on Pensions I report back favorably without amendment the bill (S. 8316) granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edith Blankart Funston, widow of Frederick Funston, late a major general in the United States Army, and pay her a pension at the rate of \$100 per month in lieu of that to which she is entitled by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET N. BAUSKETT.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 369, reported favorably thereon and

it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Margaret N. Bauskett, widow of William T. Bauskett, late clerk to the Committee on Claims of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. Mr. President, I ask the Senate to proceed to the consideration of Senate bill 8259, Order of Business 947, the amendment to the Federal reserve act.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent that the Senate proceed to the consideration of Senate bill 8259, the amendment to the Federal reserve act.

Mr. SMOOT. Mr. President, I shall object until the morning business is over.

The VICE PRESIDENT. There is an objection. The presentation of bills and joint resolutions is in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 8317) to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes; to the Committee on Territories.

By Mr. RANSDELL:

A bill (S. 8318) to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic, adjustable fire extinguishers, and for other purposes; to the Committee on Interstate Commerce.

By Mr. BANKHEAD:

A bill (S. 8319) for the relief of Joseph A. Choate (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 8320) to authorize the issue of a patent to certain land in Alabama to William M. Wilson (with accompanying paper); to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 8321) granting a pension to Richard A. Norris (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK:

A joint resolution (S. J. Res. 219) authorizing the Secretary of the Interior to suspend action upon applications for patents to withdrawn oil or gas lands in connection with which agreements have been or may be made under the act of Congress, approved August 25, 1914; to the Committee on Public Lands.

DIVERSIONS OF WATER FROM NIAGARA RIVER.

Mr. WADSWORTH. I introduce a joint resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 218) extending the time within which the "Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River" shall remain in effect was read the first time by its title and the second time at length, as follows:

Resolved, etc., That Public resolution No. 45, of the Sixty-fourth Congress, approved January 19, 1917, entitled "A joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River," is continued in full force and effect, and under the same conditions, restrictions, and limitations, until July 1, 1918.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HUSTING. I object.

Mr. WADSWORTH. Mr. President, I ask the Senator from Wisconsin to withdraw his objection for a moment, and perhaps I shall be able to explain the matter in such a way that he will not persist in his objection.

Mr. HUSTING. I should like to have the joint resolution go over and be printed so that I can look into it.

Mr. WADSWORTH. May I have the attention of the Senator from Wisconsin once more? Will the Senator not give me the opportunity to explain the very great emergency which exists, which this joint resolution is intended to meet? If, after the explanation, which will be exceedingly brief, the Senator from Wisconsin is not satisfied, of course he will be entitled to make his objection.

Mr. HUSTING. Very well.

Mr. WADSWORTH. Mr. President, the Senate will remember that some time prior to the Christmas holidays the Senate passed a joint resolution authorizing the diversion of 4,400 cubic feet of water per second from the Niagara River above the Falls at Niagara Falls, that 4,400 cubic feet per second

being the amount not then in use by the power companies, but still authorized by the treaty between the United States and Great Britain. The Senate took favorable action, by unanimous consent, on that joint resolution, owing to the fact that the Canadian Government had commandeered at that time approximately 60,000 horsepower and prevented the exportation from the Canadian side to the industries on the American side of that amount of power. That joint resolution authorizing the American power companies to divert 4,400 cubic feet per second up to the treaty limit enabled those companies to supply the American industries with approximately the amount of power they had been deprived of by the Canadian embargo. The temporary permit expires on July 1.

It has been my hope that permanent legislation could be enacted at this session of Congress regulating the diversion of water from the Niagara River and making it possible for the diversion on the American side to be maintained at the treaty limit. It is now apparent that no permanent legislation is possible. The 52,000 horsepower which the temporary permit enabled the industries on the American side to make use of will be abandoned on July 1 next if the joint resolution which I have now introduced to continue the permit for another year is defeated at this session of Congress.

In addition to that, since the passage of the joint resolution giving this temporary permit up to July 1 next, the Canadian Government has notified the power companies on the Canadian side that by April 1 next 50,000 additional horsepower will be taken away from the American industries on the American side. So that, with the withdrawal of 50,000 horsepower in addition to what has already been withdrawn, a total of 110,000 horsepower will have been withdrawn from American industries.

The result will be a catastrophe not only to the industries at Niagara Falls but also to industries all over the United States. I have it on the most excellent authority that if the industries at the Falls are deprived of a total of 110,000 horsepower during the next summer, which will be the event in case this joint resolution extending the temporary permit fails of passage, the Navy Department will be unable to secure shells for the guns or armor for the battleships, because the electrochemical industries at Niagara Falls manufacture those alloys and metals which are necessary in the manufacturing of armor and projectiles in the great steel plants of the United States. There are many other industries that are entirely dependent upon the electrochemical industries at Niagara Falls. There is no other source of supply for various ingredients that go into some of the most important products of the industries of the United States.

It is for that reason that I have introduced this joint resolution and asked unanimous consent that it be adopted, extending the use of that 4,400 cubic feet of water per second up to July 1, 1918, in the hope, may I say, that before that time shall arrive permanent legislation will be enacted by Congress.

I would not ask for unanimous consent for the consideration of the joint resolution this morning, let me say to the Senator from Wisconsin, did I not dread that, if it is not passed here this morning, it will not be passed by both Houses before Saturday night, in which event a great catastrophe will overtake industries of the country.

Mr. HUSTING. Mr. President, when the original joint resolution came before the Senate and was passed some time ago, I recognized the emergency and I raised no objection. Now, as I understand, the joint resolution introduced by the Senator from New York is to extend the time another year. I do not say that I am opposed to this joint resolution, or that I will prevent its adoption upon reflection and examination, for I think it should be adopted. I may, however, want to propose some amendments to the joint resolution, and for that reason I object to its consideration at this time, and ask to have it go over under the rule.

The VICE PRESIDENT. This is a joint resolution, and joint resolutions do not go over under the rule. The Chair will inquire what the Senator from New York desires done with the joint resolution? Shall it lie on the table, or shall it go to the Committee on Foreign Relations?

Mr. WADSWORTH. I ask that it be printed and lie on the table, my idea being that if it is referred to the Committee on Foreign Relations it can not be reported to the Senate in all probability until Thursday.

The VICE PRESIDENT. The joint resolution will lie on the table and be printed.

Mr. SHIELDS. Mr. President, before action on the joint resolution, I desire to say a word in regard to it.

The VICE PRESIDENT. There can be no action on it now. Objection was made to its consideration, and the joint resolution has been ordered to lie on the table.

Mr. SHIELDS. Then, before the matter is concluded, I desire to say a few words. This joint resolution is supplementary to a joint resolution which was passed some time ago, authorizing certain factories and manufacturing plants to use the water of the Niagara River until July 1, which was passed without objection by both Houses of Congress. It was an emergency measure. It was shown to both Houses that the great factories there, involving an investment of about \$100,000,000 and manufacturing exclusively articles that are used extensively in every part of the United States, would be compelled to shut down, and that it would not only result in a great injury to those plants, but would be a calamity to the people of the United States.

I have had a number of telegrams from manufacturing plants of various kinds in Tennessee, calling my attention to the matter, and saying that if they can not get goods that are manufactured exclusively by the plants at Niagara Falls they would be compelled to close down.

The first joint resolution was passed with the hope and expectation that before the adjournment of this Congress a bill, known as the Cline bill, providing for the use of the waters of the Niagara River above the Falls, to which the joint resolution of the Senator from New York applies, would be enacted during this Congress. That bill has passed the House and is now pending before the Foreign Relations Committee, or rather before a subcommittee of that committee. That committee has held extensive hearings, which have shown the necessity for immediate legislation upon this subject. I call the attention of the Senator from Wisconsin to the fact that, as he will, of course, remember, he himself appeared before that committee and was of the opinion that the bill, because of the magnitude and importance of the questions involved, ought not to be considered at the present session of Congress, but should go over to another session; and I am inclined to think, as suggested by the Senator from New York [Mr. WADSWORTH], that this will be necessary, and that it will be impossible to have that bill acted upon during the present Congress. Therefore this resolution is an emergency measure, which should be passed to avert great loss and damage to the people of New York and of many other States. I hope that either at this time or upon some other day, to suit the convenience of the Senator from Wisconsin, he will not object to it and that it may be favorably considered.

The companies who are now using the waters of the Niagara River for power purposes, and whom the resolution is intended to protect, are not trespassers. They are there under the authority of the laws of the State of New York, within the confines of which the waters used by them flow, and which holds them in trust for its people subject only to the power of Congress to control commerce on the river. It is conceded that they in no way interfere with the navigation of the river.

Mr. President, I wish to place in the RECORD a telegram that I happen to have on my desk from the president of a great manufacturing plant at Kingsport, Tenn., in regard to the necessity for the continuance of the operation of these plants at Niagara Falls. I wish to have the telegram read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read the telegram, as follows:

KINGSPORT, TENN., February 23, 1917.

Senator JOHN K. SHIELDS,
Washington, D. C.:

We depend upon electrochemical manufacturers at Niagara Falls for supplies of graphite and other products to keep our electrolytic department running. Any curtailment in quantity of power generated at Niagara Falls will greatly interfere with the possibility of our running constantly at full capacity and make it necessary for us to curtail our employment of labor. Any action of Congress making it impossible for the companies at Niagara Falls to generate power to the maximum of their present equipment will seriously affect the industries throughout the whole country using these products. We earnestly request you to use your efforts to prevent such action.

FEDERAL D. & C. CORPORATION,
JNO. C. HERBEN, Vice President.

INVESTIGATION OF FOOD SUPPLIES.

Mr. BORAH. I ask that the joint resolution (S. J. Res. 216) providing for an investigation into the cause of the rise in prices of foodstuffs and furnishing relief for those who are in need, introduced by me on yesterday, and which I asked to lie on the table, may be taken from the table and referred to the Committee on Appropriations.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Appropriations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment proposing to appropriate \$1,500 for necessary traveling expenses incurred by the survivors of the first and second expeditions made in exploring

the Grand Canyon of the Colorado, etc., respectively, in August, 1869, and September, 1872, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Senate to regulate the pay of officers and employees of the Senate borne on the roll known as the soldiers' roll in conformity with the pay of messengers of the Senate, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$50,000 for mechanical equipment needed for the completion of the United States post-office and courthouse building at Muskogee, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was ordered to be printed and with the accompanying papers referred to the Committee on Appropriations.

Mr. WADSWORTH submitted an amendment proposing to appropriate \$1,400,000 to acquire by purchase and to receive the transfer of the New York Maritime Quarantine Station buildings and grounds, floating and all other equipment, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to appropriate \$5,335.71 to pay the claim of Watson B. Dickerman, administrator of the estate of Charles Bachman, deceased, intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BROUSSARD submitted an amendment providing that no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to compensation except for physical disability incurred in the line of duty and while on active duty, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate \$200,000 for the purchase or condemnation of tracts of land known as Great Peace Meadows, in the State of New Jersey, for a suitable target range, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SWANSON submitted an amendment making applicable the parole system provided for United States prisoners under the act of June 25, 1910, to all prisoners convicted in any criminal court in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate \$45,000 for a quarantine station at Galveston, Tex., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment for medical relief in Alaska, from \$50,000 to \$62,500, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$20,000 for botanical exploration in Central and South America, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

THE REVENUE.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was ordered to lie on the table and to be printed.

INVESTIGATION OF FOOD SUPPLIES.

Mr. BORAH. Mr. President, I have a letter from the Attorney General of the United States touching the subject of food inquiry and investigation, which I ask to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 21, 1917.

HON. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

DEAR SENATOR: I have read your remarks in the Senate on the enforcement of the law against combinations to increase prices, as reported in the CONGRESSIONAL RECORD of yesterday. I will try to answer the very reasonable inquiries which were in your mind.

To begin with, however, I will ask you to bear in mind that there are two broad limitations upon the power of this department in the field in question:

First, increases in prices brought about, not by agreement, conspiracy, or monopoly, but by a common selfish impulse of traders to take advantage of the extraordinary condition of the times, are not punishable under any existing Federal law, no matter how completely lacking in economic justification, no matter how extortionate.

Second, sales of commodities by retailers to consumers in the various cities and communities generally fall outside the field of interstate commerce and therefore outside the jurisdiction of the Federal Government.

Within these limitations the Department of Justice has brought to bear its full energy. Immediately after the outbreak of the European war, in August, 1914, when the first marked increases took place, the Attorney General instructed the various United States district attorneys and the various agents of the Bureau of Investigation throughout the country to make inquiry in their respective communities for the purpose of ascertaining whether any such increases were due to agreements or conspiracies in restraint of interstate trade. These instructions have been repeated from time to time since.

Except in two or three cases no evidence has been discovered up to this time to justify indictments under the Federal statutes. The inquiries are still proceeding, however. Indeed, I have no doubt that the beginning of an investigation by the grand jury in the southern district of New York was the controlling factor in bringing some of the leading manufacturers of news print paper to the point where they were willing to agree that the price be arbitrated by the Federal Trade Commission.

One of the principal inquiries has been with respect to coal. This brings me to one obvious defect in the existing laws for the regulation of trade.

The control of anthracite coal—the principal domestic fuel in the East—has become centered in a few railroads, thus uniting the functions of production and transportation. To no small extent the same situation exists with respect to bituminous coal. The Massachusetts Commission on the High Cost of Living, in a report published a few weeks ago, after pointing out the evil consequences of this condition, made the following recommendation:

"Because of the conditions here summarized, your commission believes that it is not only to the interest of the citizens of Massachusetts but also for the general welfare of large sections of the United States that the production and marketing of anthracite coal should be freed entirely from the control or influence of the railroads that are the initial carriers of the coal."

As you know, the so-called commodities clause of the act to regulate commerce was intended to eradicate this evil. A majority of the Supreme Court, however, having held that a railroad may own the stock of a coal-mining company without having any interest, direct or indirect, in the coal produced by the company, the legislation has failed to accomplish its purpose. The Attorney General has for the last two years strongly recommended that the commodities clause be amended so as to accomplish a complete divorce between transportation and production. A bill to carry this recommendation into effect has been drafted and a copy is inclosed herewith for your information. I also inclose a copy of a statement made to the House Committee on Interstate Commerce by the Assistant to the Attorney General in support of the bill.

Another condition which has been brought out in the course of the department's investigation is the existence of associations in almost every branch of trade. These associations perform some very useful functions. They also in many instances make their influence felt in maintaining prices, in such a subtle and intangible way, however, that it is impossible to convict them of violating the law. It hardly seems desirable to prohibit such associations altogether, but the question arises, in view of their undoubted influence in maintaining prices, whether traders, as a condition of being permitted to form such associations, should not be required to assume the burden of establishing the reasonableness of their prices when challenged.

Another suggestion which has occurred to those of us who have been dealing with the problem is whether the charging of extortionate prices in interstate commerce should not be made, per se, an offense, although not the result of either conspiracy or monopoly.

Still another suggestion is whether the great produce exchanges and stockyards of the country, which constitute the primary market places for our foodstuffs, should not be under much closer governmental scrutiny and regulation than now prevails, to the end, amongst others, of insuring against the employment of their facilities in transactions which create false impressions of the conditions of supply and demand and artificially affect prices. Without stopping now to inquire how far the Federal Government could directly regulate such exchanges, it could doubtless accomplish the same objects by prescribing the conditions upon which they should be permitted to use the mails, the telegraph, and other instrumentalities of interstate communication in carrying on their business.

Finally, it appears desirable, and I have already suggested, that the warehouses of the country should be required to make to the Department of Agriculture, under oath, periodical reports of the quantities of produce in storage. I am advised that a bill to this end has heretofore been introduced either in the House or the Senate, and perhaps in both Houses.

In view of the fact that the President has directed the Department of Agriculture and the Federal Trade Commission to conduct an inquiry into this whole subject with a view to proposing remedies, I do not feel that the time is now ripe for me to make any more definite suggestions than those above.

There is one final thought, Senator, which I should like to have you and others have in mind in assessing the work of this department in the enforcement of the antitrust laws. The executive department alone can not enforce those laws. It must have the sympathetic cooperation of the Federal courts. I regret to say that a number of the Federal judges always have been and are still apparently reluctant to

enforce the Sherman Act. I do not mean to charge that they attempt deliberately to obstruct the will of Congress. I assume that their views of public policy do not agree with those of Congress as expressed in the Sherman Act and that unconsciously they permit their own views as to what the law should be to affect their construction of the law as it is written.

I will give an example or two. In the case against the American Can Co. the United States District Court for the District of Maryland, after expressly finding in its decree—

"That the defendant, the American Can Co., was organized as a combination to monopolize interstate trade in cans, and to attain the object of monopolizing said trade in interstate cans such trade was unlawfully restrained by it, and by those who formed it and directed its earlier activities, and that some of those individuals who formed it and directed its earlier activities are defendants in this cause and still participate in the management and control of the said defendant, the American Can Co."

refused to order a dissolution of the combination as prayed by the Government, on the ground that to do so would be "inexpedient," in the opinion of the court. The contention of the Government was that Congress in the Sherman Act had declared that it is expedient to dissolve such combinations. In the event that you should wish to examine further into this case, you will find full information in the accompanying documents:

The first opinion of the court.

The motion of petitioner for final decree and supporting brief.

The decree and supplemental opinion of the court.

The Government's assignment of errors on appeal to the Supreme Court.

Another case of judicial laxity, as we regard it, recently occurred in the District Court for the Southern District of Iowa, presided over for the time being by Judge Pollock, of Kansas. After a long and expensive investigation the Government developed conclusive evidence that the members of an association of dealers in plumbing supplies, with country-wide ramifications, had combined to monopolize the trade by boycotting any manufacturer or jobber of plumbing supplies who sold to others than members of the association. Indictments were found in three different sections of the country. The first to come to trial was in the southern district of Iowa. The defendants were convicted. They appealed, and sentence was suspended on all but two pending the outcome of the appeal. The Circuit Court of Appeals for the Eighth Circuit affirmed the conviction. Thereupon, in December last, the defendants were brought before Judge Pollock for sentence. What took place was reported by the district attorney in substance as follows:

After first stating that the defendants were not guilty of any violation of the law in the ordinary sense and that he would not impose any sentences which would bear heavily upon them, he imposed trivial fines ranging from \$50 to \$150. He then asked the defendants in substance, according to the report to the department, to tell him whether they were able to pay these fines, the implication being, I suppose, that if they said they were not he would reduce them still further.

I did not intend to write at such great length, but the reasonableness and moderation of your remarks, contrasting so strongly with the heedless and unjust criticism so often directed against those charged with the enforcement of the law, led me to believe that a fairly full statement on the subject might not be unwelcome to you.

Very truly, yours,

T. W. GREGORY,
Attorney General.

REPUBLIC COAL CO.

Mr. MYERS. Mr. President, I rise to a privileged question—the report of the committee of conference on Senate joint resolution 50, which was a resolution to sell the coal of a certain area of land in Montana to the Republic Coal Co. I report that the Senate and House conferees have not come to any agreement, and I move that the Senate conferees be discharged and that the Senate concur in all of the House amendments.

I will give a word of explanation in regard to why I make that motion, and I will tell what the amendments of the House were.

As the joint resolution passed the Senate it provided for the sale of this coal at a figure not less than the appraised price, to be fixed by the Secretary of the Interior. The House struck that out and provided for the lease of the coal under such terms and conditions as the Secretary of the Interior might impose. As it passed the Senate the acreage was 1,440 acres. The House amended it and cut it down to 640 acres. The House put on a provision that the coal should not be sold in the market, and should only be sold to the Chicago, Milwaukee & St. Paul Railway.

The only amendment about which there was any difference between the House conferees and the majority of the Senate conferees was that which related to sale or lease. The majority of the Senate conferees had no objection to cutting down the area to 640 acres. The majority of the Senate conferees had no objection to the House amendment that the coal could only be sold to one customer—the Milwaukee Railroad. The only point of difference between the House conferees and the Senate conferees was as to whether it should be a sale or a lease. The Senate conferees wanted sale alone; the House conferees wanted lease alone. I believe that a majority of the Senate conferees were willing to make it "sale or lease," but the House conferees would not accept that. With them it was lease alone or nothing.

I believe that the majority of the Senate conferees would give in to the House conferees on every point and would report here a conference report recommending that every amendment of the House be concurred in; but what is the use of that? If a majority of the Senate conferees are of that mind a simpler method is to report a disagreement, as I have done, and to move the discharge of the Senate conferees and to move that all of the House

amendments be concurred in. This is what should have been done in the first place, I believe; and I think the Senate ought to uphold the motion I have made to accept every amendment of the House. I am willing to do it, I believe a majority of the Senate conferees are willing to do it, and there is a precedent for leasing coal land on the public domain to a corporation in the case of the Owl Creek Coal Co. in Wyoming, where a resolution passed both House and Senate about seven years ago to lease certain coal lands to the Owl Creek Coal Co. in Wyoming.

This is a matter of great necessity, and I hope that the Senate will concur in the House amendments.

Mr. SMOOT. Mr. President, has the morning business closed?

The VICE PRESIDENT. No; the morning business has not closed.

Mr. SMOOT. Then, Mr. President, the motion made by the Senator from Montana is not in order.

Mr. MYERS. Is not a report of a conference committee in order at any time, Mr. President?

Mr. SMOOT. It is in order to present it, Mr. President, but not to consider it.

The VICE PRESIDENT. It is in order to present it.

Mr. MYERS. But may not the motion accompany the report?

Mr. SMOOT. I make the point of order that the motion is not in order.

The VICE PRESIDENT. The presentation of conference reports is always in order, except under certain circumstances which do not now exist. They can only be taken up upon motion or by unanimous consent. Objection is made to taking it up now, and the objection will be sustained.

Mr. MYERS. Then I ask leave to renew the motion immediately upon the conclusion of the morning business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River;

S. 8295. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its amendments numbered 3, 9, 13, 14, 18, and 19.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, and 15, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment, as follows: Restore the matter stricken out by such amendment, amended to read as follows:

"The name of Herbert G. Hoots, late of Company F, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 21, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"The name of William F. Core, late of Company A, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month."

And the House agree to the same.

The committee of conference have been unable to agree on the amendments of the House numbered 12, 17, and 20.

WM. HUGHES,

REED SMOOT,

Managers on the part of the Senate.

J. A. KEY,

JAMES KEATING,

SAM R. SELLS,

Managers on the part of the House.

The report was agreed to.

Mr. HUGHES. I move that the Senate further insist upon its amendments, agree to the further conference asked for, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees at the further conference on the part of the Senate.

The VICE PRESIDENT. The morning business is closed.

NAVAL APPROPRIATIONS.

Mr. SWANSON. I move that the Senate proceed to the consideration of House bill 20632, the naval appropriation bill.

Mr. NEWLANDS. Mr. President—

Mr. MYERS. Mr. President, I ask the Senator from Virginia if he will not withhold that motion for a few minutes, so that I can make a motion to take up the conference report, of which I spoke a short time ago?

Mr. SWANSON. I can not withhold it.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate proceed to the consideration of House bill 20632, the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

Mr. NEWLANDS. Mr. President, I desire to ask the Senator from Virginia whether he can not give an opportunity for the consideration of the bill for the enlargement of the Interstate Commerce Commission, which has already progressed and which, I think, is near a final determination?

Mr. SWANSON. Mr. President, I can not do so this morning. I will state that I had an understanding yesterday with the Senator from Oklahoma [Mr. OWEN], who was very urgent yesterday, that if he would let me make this motion and get this bill before the Senate I would yield to him for 30 minutes today to see if he could not get up for consideration the bill in reference to the Federal reserve banks; and I can not yield to anyone else.

Mr. SMITH of Georgia. Mr. President, of course that requires unanimous consent.

Mr. SWANSON. That requires unanimous consent.

Mr. SMITH of Georgia. Senators can not parcel out the time.

The VICE PRESIDENT. No; that is thoroughly understood.

Mr. SWANSON. It is understood that it can only be done by unanimous consent.

Mr. NEWLANDS. I wish to ask the Senator from Virginia whether he can not, after the Senator from Oklahoma has disposed of his matter, grant to me a similar opportunity with reference to this important measure?

Mr. SWANSON. Mr. President, after the request of the Senator from Oklahoma is disposed of we can consider these other requests.

Mr. SMOOT. To save the time of the Senate, I want to say now that I shall object; so that we might just as well proceed with the naval appropriation bill.

Mr. OWEN. Mr. President, this amendment to the Federal reserve act is regarded as a very important matter in strengthening the financial condition of the United States in anticipation of the possible difficulty in which this country may be involved. I do not think it will take over 30 minutes to dispose of it. The main purpose of the measure is to drift into the hands of the Federal reserve banks the gold which is now carried in the pockets of the people, and which is serving no national function. It is a very important matter, not to be treated as a mere formality or a matter of no consequence. It is a matter of vast consequence. There are between two and three hundred million dollars of gold that ought to pass into the hands of the Federal reserve banks for the purpose of protecting this country; and in view of that I hope that Senators will not object to the consideration of the bill.

Mr. GRONNA. Mr. President—

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. GRONNA. The Senator from Oklahoma knows, I think, that I am very much interested in this bill; but I will say to him that he can not pass it in 30 minutes, because I shall ask for some time to discuss it. I think the Senate ought to have some information about this bill. It is one of the most important measures that has been before Congress or that possibly can come before Congress. While I do not say that I shall oppose the bill, I want to have the privilege of offering certain amendments; I want to have an opportunity to discuss the changes that are being made in the present law; and I will say to the Senator that it will not pass this body in 30 minutes.

Mr. OWEN. Mr. President, I have presented the reasons which justify the consideration of the bill by the Senate. Under the rules of the Senate an objection will put this matter over, and that is left to the responsibility of Senators who care to make the objection.

The VICE PRESIDENT. The Chair deems it right to notify the Senator from Oklahoma that he can move to proceed to the consideration of this bill.

Mr. OWEN. Then I make that motion, Mr. President.

Mr. SWANSON. Mr. President, I can not consent to having the naval bill displaced.

The VICE PRESIDENT. It is not a question of consent; it is a question of making a motion. The Senator from Oklahoma moves that the Senate proceed to the consideration of Senate bill 8259.

The motion was rejected.

The VICE PRESIDENT. The Secretary will continue the reading of the naval appropriation bill.

Mr. FLETCHER. Mr. President, I desire to say that there is a very important matter that ought to be acted upon by the Senate, and that is Senate bill 8168, with reference to shipping. People are complaining about the high cost of living and about the congestion of transportation throughout the country. The committee has reported this bill, which is intended to give certain powers to the Shipping Board to enable us to build up the American merchant marine. I want to bring that bill before the Senate at the very first opportunity. I do not believe that in its present form there is any serious objection to it. There may be one or two provisions that will be objected to; but I believe the bill could be acted on within a very short time, probably within an hour, anyhow. If there are valid reasons why the provisions which are alluded to should be eliminated, let the Senate say so, and let the other provisions of the bill be enacted, so that this matter can be attended to. It is a case of great emergency and it ought to receive the consideration of the Senate.

Mr. POINDEXTER. Mr. President, I demand the regular order.

Mr. FLETCHER. This is the regular order. We are discussing the naval appropriation bill.

Mr. POINDEXTER. The regular order, Mr. President, is the completion of the reading of the naval appropriation bill.

Mr. SWANSON. Mr. President, no motion is in order until the reading of the bill is concluded.

Mr. FLETCHER. Discussion of the bill, I take it, is in order at any time.

Mr. SWANSON. Not until the formal reading is concluded.

Mr. FLETCHER. I supposed it had been read.

Mr. MYERS. I desire to ask the Senator from Virginia if he will not yield—

Mr. SWANSON. I call for the regular order, which is the continuation of the reading of the bill.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. MYERS. Mr. President, I rise to a parliamentary inquiry. I wish to know if the demand of one Senator for the consideration of the revenue bill now will displace the naval bill and bring the revenue bill before the Senate?

The VICE PRESIDENT. Not until 2 o'clock.

Mr. MYERS. Well, I will wait until 2 o'clock.

The reading of the bill was resumed, beginning on line 4, page 72, and was concluded.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The first amendment of the committee will be stated.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay, miscellaneous," on page 3, line 10, after the words "not exceeding," to strike out "\$50,000" and insert "\$100,000"; in line 20, after the word "exceed," to strike out "\$200,000" and insert "\$215,000"; and in line 25, after the words "in all," to strike out "\$1,000,000" and insert "\$1,134,000."

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for

actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; mileage to officers of the Naval Reserve Force traveling under orders of the Secretary of the Navy; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards, including the rental of offices in the District of Columbia; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferrage; tolls, costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés; information from abroad and at home, not exceeding \$100,000, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), telephone rentals and tolls, telegrams, cablegrams, and postage, foreign and domestic, and post-office box rentals; and other necessary and incidental expenses: *Provided*, That the sum to be paid out of the appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards, naval stations, for the fiscal year ending June 30, 1918, shall not exceed \$215,000, and for necessary expenses for the interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction; in all, \$1,134,000.

The amendment was agreed to.

The next amendment was, on page 3, line 25, after "\$1,134,000," to insert:

Provided, That the Secretary of the Navy is authorized to lease for a period not to exceed three years storage facilities in the vicinity of the navy yard, Norfolk, at an annual rental of not exceeding \$14,000, to be paid out of the appropriation "Pay, miscellaneous."

Mr. PENROSE. I should like to inquire from the Senator having this measure in charge just why this proviso is necessary?

Mr. SWANSON. The proviso is necessary in order to enable the department to rent a building in Norfolk for the purpose of storing supplies. The department earnestly recommend it. They rent half the building there and are very desirous of renting the rest of it. They are building new shops at Norfolk, and when those are completed the old shops will be used for supply purposes, and the Government will pay no rental then. The department have been very insistent on this, because they have no place to store the supplies that are there, and they do not wish at this time to construct a building, as the old shops can be used for that purpose.

Mr. PENROSE. I should like to make a further inquiry. What is the character of the supplies that are stored there?

Mr. SWANSON. There is a letter here from the department. If the Senator will read what the Secretary says here, on page 3—

Mr. PENROSE. I thought, perhaps, the Senator, representing Norfolk here, would know all about it without referring to the record.

Mr. SWANSON. The Navy Department gives the information, and I can give it to the Senator very easily.

The last naval appropriation act included a provision for the rental of certain private property in the vicinity of the navy yard, Norfolk, Va., for storage purposes. Since this property has been leased, the space available has been almost entirely filled up with the regular stock of naval supply material; and reports received from the yard indicate that there is practically no available space for the accumulation of a stock of reserve material. All of the storage space at the yard, together with this addition, is being used for current needs.

The property rented from the Seaboard Wharf & Warehouse Co. is about half of this company's property fronting on the Elizabeth River. This company proposes to make certain changes in that part of the property not leased to the Government; but before doing so the suggestion has been made that the Government might desire to use the remaining portion of this property and the warehouses thereon for storage purposes, and if so this addition would be leased at an annual rental of \$14,000.

It is considered most desirable to take advantage of this proposal in order that the Government may have the use of this entire property, thus making available sufficient frontage on the river to moor vessels without paying wharfage charges on account of overlapping the property not covered by the lease. This additional storage space is very much needed, and it is recommended that a provision be inserted in the appropriation bill similar to that included in the bill last year, under Public Works, Bureau of Yards and Docks, for the navy yard, Norfolk, Va., at page 25, following line 25:

"The Secretary of the Navy is authorized to lease for a period not to exceed three years storage facilities in the vicinity of the navy yard, Norfolk, at an annual rental of not exceeding \$14,000, to be paid out of the appropriation 'Pay, miscellaneous.'"

The acquisition of this property will in no way relieve the situation with regard to the necessity for the erection of a large central storehouse within the yard limits. The lease of this property is a temporary expedient and is necessary on account of the congested conditions and the extraordinary amount of additional work at the Norfolk yard.

I will say in addition we do not wish to erect buildings there, because when the new shops are completed the old shops will be used for storage purposes.

Mr. PENROSE. One more inquiry, Mr. President. Why does this material have to be stored in Norfolk? Why could it not be stored in Charleston?

Mr. SWANSON. Where?

Mr. PENROSE. Why does this material necessarily have to be stored in Norfolk? Why could it not be stored at the Charleston Navy Yard with great convenience?

Mr. SWANSON. Always the material there is stored for the use of the Navy. That is all the information I can give.

Mr. PENROSE. Why not at the navy yard at Charleston?

Mr. SWANSON. It is for the use of the naval forces and the naval people at Norfolk.

Mr. PENROSE. Does the Senator mean to maintain that the Charleston Navy Yard is not fitted for the storage of this material?

Mr. SWANSON. I have made no such contention.

Mr. PENROSE. I was asking why Norfolk was selected in preference to Charleston?

Mr. SWANSON. I will say the Senator was on the subcommittee that passed upon this bill, and—

Mr. PENROSE. Unfortunately I was not present.

Mr. SWANSON. The Senator could have gotten all the information he desired.

Mr. PENROSE. Perhaps the location of the clothing plant at Charleston was considered sufficient for that station and so the storage plant is put here. But I do not know, Mr. President. It is a local matter.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 6, after line 21, to insert:

The balances under the several items of the appropriation "National Advisory Committee for Aeronautics," carried in the act making appropriations for the naval service for the fiscal year ending June 30, 1917, approved August 29, 1916, are hereby consolidated into a single fund and may be expended by the committee for its purposes as stated in the paragraph of public act No. 271, Sixty-third Congress, approved March 3, 1915, establishing the committee.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 8, line 17, after the word "parties," to strike out "\$319,228.84" and insert "\$419,228.84," and in line 18, after "\$419,228.84," to strike out "Provided, That not exceeding \$500 shall be expended for the purchase of motor-propelled passenger-carrying vehicles," so as to make the clause read:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; purchase, rental, maintenance, operation, exchange, and repair of motor-propelled passenger-carrying vehicles for official use; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, \$419,228.84.

The amendment was agreed to.

The next amendment was, on page 9, after line 15, to insert:

That hereafter the Secretary of the Navy may authorize the senior officer present, or other commanding officer, on a foreign station to order boards of medical examiners, examining boards, and retiring boards for the examination of such candidates for appointment, promotion, and retirement in the Navy and Marine Corps as may be serving in such officer's command and may be directed to appear before any such board.

The amendment was agreed to.

The next amendment was, on page 14, line 14, after the words "in all," to strike out "\$85,000" and insert "\$92,000," so as to make the clause read:

Naval training station, California: Maintenance of naval training station, Yerba Buena Island, Cal.: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferrage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire engines and extinguishers; gymnastic implements, models, and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, \$92,000.

The amendment was agreed to.

The next amendment was, on page 15, line 7, after the words "in all," to strike out "\$90,000" and insert "\$100,000," so as to make the clause read:

Naval training station, Rhode Island: Maintenance of naval training station, Coasters Harbor Island, R. I.: Labor and material; buildings and wharves; dredging channels; extending sea walls; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferrage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of two horse-drawn passenger-carrying vehicles to be used only for official purposes; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and

maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; lectures and suitable entertainments for apprentice seamen; in all, \$100,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1918, shall not exceed \$5,701.60.

The amendment was agreed to.

The next amendment was, on page 16, line 10, after the words "Great Lakes," to strike out "\$90,000" and insert "\$96,400," so as to make the clause read:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street car fare; purchase and maintenance of live stock, and attendance on same; motor-propelled vehicles, wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle, and one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material, and maintenance of same; heating and lighting, and repairs to power-plant equipment, distributing mains, tunnel, and conduits; stationery, books, schoolbooks, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1918, shall not exceed \$1,500; in all, naval training station, Great Lakes, \$96,400.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 21, line 18, after the word "assistance," to strike out "\$705,611, to be available until expended," and insert "\$1,375,345, to be immediately available and to remain available until expended, and the limit of cost fixed in the naval appropriation act, approved August 29, 1916, is hereby removed."

So as to make the clause read:

Projectile plant: To complete the erection and equipment of a plant for the manufacture of projectiles, on a site to be selected by the President, including the employment of all necessary expert, drafting, and clerical assistance, \$1,375,345, to be immediately available and to remain available until expended, and the limit of cost fixed in the naval appropriation act, approved August 29, 1916, is hereby removed.

The amendment was agreed to.

The next amendment was, on page 22, line 10, after the word "exceeding," to strike out "\$5,781,174" and insert "\$6,381,174"; in line 11, before the word "available," to insert "immediately"; in the same line, after the word "available," to insert "and to continue available," and in line 12, after the date "1920," to strike out "\$4,131,174" and insert "\$4,731,174"; so as to make the clause read:

Batteries for merchant auxiliaries: For batteries for merchant auxiliaries (to cost not exceeding \$6,381,174), to be immediately available and to continue available until June 30, 1920, \$4,731,174.

Mr. LA FOLLETTE. Mr. President, what page?

The PRESIDING OFFICER. Page 22, line 10.

Mr. LA FOLLETTE. I call for the reading of the bill for amendment under the rule.

The PRESIDING OFFICER. The Secretary is now reading the amendments of the committee.

Mr. LA FOLLETTE. The bill is not being read for amendment under the rule, which I insist upon.

Mr. SWANSON. There is no rule requiring it. The formal reading of the bill was completed and the committee amendments are being considered. I asked unanimous consent that the formal reading of the bill should be dispensed with and that it be read for amendment, but that was refused. The amendments offered by the committee have precedence.

Mr. SMOOT. I have not asked that the bill be read; but whenever a request is made by a Senator that the bill shall be read for committee amendments it means the reading in full of the bill, not simply the reading of the amendments. That has been the universal practice.

Mr. LODGE. Where unanimous consent is given to dispense with the formal reading, the bill is then read for amendment; but where the formal reading has been had the bill can not be read again.

Mr. SMOOT. I am only stating what the practice has been.

Mr. LODGE. I think not. It has been held here repeatedly that when a bill has once been read formally it is then open to amendment at any point.

Mr. SMOOT. The formal reading of the bill was not dispensed with because there was objection, and after the formal reading of the bill then the bill is read for amendment.

Mr. SWANSON. The Senator is entirely mistaken. The rule requires that there shall be three readings. I asked to dispense with the formal reading and that it might be read for action on the committee amendments. The Senate refused to give unanimous consent.

Mr. LODGE. Dispensing with the formal reading and reading the bill for amendment is a matter of unanimous consent. Any Senator has a right to insist on the formal reading, and when that formal reading is completed the bill is open to amendment; it is not to be read again.

Mr. SMOOT. Does the Senator claim that if unanimous consent is given to dispense with the formal reading of a bill, then a Senator can not ask that it be read in full for amendment?

Mr. LODGE. Certainly not. If the formal reading is dispensed with, it is always accompanied with a request that it be read for amendment, and the reading for amendments takes the place of the formal reading. When that formal reading takes place there is no further right for a reading of the bill.

Mr. SWANSON. The rule requires three readings. It was read twice and referred to the committee. That is stated on the bill. It came in here, and I asked that it be read for committee amendments, which was refused. The formal reading of the bill has been completed, and now it is open to amendment.

Mr. SMOOT. I agree with the Senator as far as he went. The formal reading of the bill has taken place, but after the formal reading of the bill bills always have been read in the past for committee amendments.

Mr. LODGE. No; it has been held here, and I have made the point myself that when a bill has once been read it is open to amendment at any point by anybody. It is a mere practice that the committee amendments shall be considered first.

Mr. SMOOT. Has it not been the practice that when reading a bill for action on the committee amendments upon the request of any Senator that it be read it is read?

The PRESIDING OFFICER. The Chair understands that there has been the proper formal reading of the bill and that the bill is now open to amendment.

Mr. LODGE. Certainly.

The PRESIDING OFFICER. Under the agreement the committee amendments are presented first, and they are now being presented. If there is no further debate on it, the question will be taken on agreeing to the amendment.

Mr. LODGE. There is no right to a fourth reading.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. On page 22, line 10, strike out "\$5,781,174" and insert "\$6,381,174," and—

Mr. SHERMAN. Will the Senator in charge of the bill explain the necessity for this increase of what appears to be about \$600,000?

Mr. SWANSON. If the Senator will permit me, the merchant vessels of the United States have been examined and inspected by the Navy Department. We know now what is desired in case an emergency or war should arise, the batteries which are needed, the ammunition which will be needed for the batteries. The increase here over the House appropriation has been occasioned by the fact that they are going to substitute larger guns on some of the vessels, which will require more money. It has been accurately estimated by the department. The department has recommended this sum as necessary to make the merchant marine available as auxiliaries of the Navy if we should have war.

Mr. SHERMAN. Is there any evidence in addition to the hearings here published?

Mr. SWANSON. If the Senator will look at the documents, he will find the evidence.

Mr. SHERMAN. Is there some additional matter furnished before the Naval Committee of the Senate that the House did not have, showing the justification for this increase?

Mr. SWANSON. Yes; here is the letter. Nearly every one of the increases, I will say to the Senator, have been made by an estimate of the department on account of the changed conditions and increased necessities. We have letters that are published showing the necessity for the increases.

Mr. SHERMAN. For this increase of \$600,000?

Mr. SWANSON. Yes; absolutely. Here is a letter, if the Senator wants to read it.

Mr. SHERMAN. They are published in the tabulation which the Senator holds in his hand?

Mr. SWANSON. Yes.

The PRESIDING OFFICER. Without objection—

Mr. LA FOLLETTE. Wait a moment, Mr. President. I will inquire of the acting chairman of the committee if the Senate committee had any information upon this subject that was not in the possession of the House committee when it considered it?

Mr. SWANSON. Yes; because the letter bears the date of February 17. If the Senator would like to hear the letter read, it will show that this increase was very carefully made.

Mr. LA FOLLETTE. Just a moment, Mr. President. Is the Senator from Virginia able to state that the other House was in possession of a letter of the sort to which he refers from the Secretary of the Navy?

Mr. SWANSON. I am informed by the clerk of the committee that they were not.

Mr. LA FOLLETTE. Mr. President, if the Senator will merely read that letter and will give the Senate some opportunity to judge of the necessity for this appropriation—

Mr. SWANSON. The Senator from Wisconsin can read it on page 22 of the committee print of the bill.

Mr. LA FOLLETTE. I do not want to take the time to do so from the consideration of other amendments, but I should like to have the Senator either read the letter or have the Secretary read it.

Mr. SWANSON. It may be read by the Secretary, if the Senator from Wisconsin desires; but if the Secretary has not a copy of it, I will read it. It is as follows:

NAVY DEPARTMENT,
Washington, February 17, 1917.

MY DEAR MR. CHAIRMAN: I desire to have the following item inserted in the naval appropriation bill as reported in the Senate on February 14, 1917. This item refers strictly to the Bureau of Ordnance, and provides for the following increase:

"Batteries for merchant auxiliaries, \$600,000."

The reason for asking the additional amount at this time is that when this estimate was made the matter of providing guns larger than 1-pounder for small patrol vessels had not been considered. It is now desired to include an amount of \$600,000, to be utilized in the construction of 6-pounder, 3-pounder, or 3-inch guns for small patrol vessels, as may be decided upon. The sum asked for includes 150 6-pounder guns and mounts at a cost of \$4,000 each. The vessels that will be used for patrols, submarine chasers, and mine sweepers will all require a certain armament, and the type of gun used will depend upon the construction and size of vessels adopted.

Attached hereto is a memorandum giving the form of the amendment desired.

Very sincerely, yours,

JOSEPHUS DANIELS.

Hon. B. R. TILMAN,

Chairman Committee on Naval Affairs,

United States Senate, Washington, D. C.

Mr. LA FOLLETTE. Mr. President, I should like to inquire of the acting chairman, in order that I may clearly understand and the Senate may understand just what we are doing—whether this provision contemplates the arming of merchant ships?

Mr. SWANSON. That is a question to be determined by the President and the subsequent action of Congress. I doubt whether the President has authority to furnish arms to merchant vessels, unless such authority be granted by Congress. I know of no power which the President has to either sell or to loan these guns. It is a power as to which it is very doubtful whether or not it is possessed by the President. This legislation does not propose to authorize him to do so. Its purpose is, in case of emergency, to have the guns ready for any ships which might be taken from the merchant marine to be made a part of the Navy as auxiliaries.

Mr. LA FOLLETTE. That is, if I understand the acting chairman of the committee, a wholly different purpose from that which was raised by the address of the President delivered yesterday to the two Houses of Congress in joint session.

Mr. SWANSON. It is entirely different and has nothing to do with conferring any additional power whatever on the President. Last year we appropriated a part of the money for this purpose.

I do not know whether or not the Senator was present when I made my statement, but I will now state that the merchant vessels of the United States have all been inspected, and it is known which of those vessels will be available as auxiliaries to the Navy in case war should occur. In order to prepare for an emergency this legislation is simply framed to provide arms and ammunition for these vessels, to be held by the Navy Department, unless authority is given to the President elsewhere or in some other measure in case the vessels should become auxiliaries of the Navy to have them promptly equipped for that purpose.

Mr. LA FOLLETTE. As I understand the explanation of the acting chairman of the committee, this legislation does not contemplate the arming of merchant vessels until they shall have been incorporated within the Navy under authority of some formal act of Congress. Am I correct in my assumption?

Mr. SWANSON. The Senator is correct as to that. There is no authority now to buy ships and to make them auxiliaries of the Navy. Until such authority is given in some form, I know of no authority which the Navy Department possesses to obtain ships. If authority should be given by Congress hereafter to arm merchant ships, I have no doubt that the guns proposed to be constructed by this appropriation would be utilized for that purpose.

Mr. SMITH of Georgia. Let me see if I understand the Senator from Virginia. This amendment simply proposes to furnish money to provide certain guns. It in no sense defines the way in which these guns are to be used. Hereafter we shall have the guns ready, if Congress should determine to take over certain merchant vessels and make them a part of the Navy, or if Congress should determine to authorize the President to loan the guns to vessels still in private ownership; these guns might be loaned, but until further legislation takes place the guns will await the use of the Government.

Mr. NORRIS. Mr. President, I want to inquire—

Mr. SMITH of Georgia. I wish to know if I understand the Senator from Virginia correctly?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. LODGE. Mr. President—

Mr. LA FOLLETTE. I shall be very glad to yield for an explanation.

Mr. NORRIS. Before the explanation is made, I desire to inquire where the language under discussion is found in the bill, as I desire to follow it.

Mr. LA FOLLETTE. It is on page 22, if I may advise the Senator from Nebraska.

Mr. LODGE. There is one word there which makes it very distinct. Those are guns for merchant auxiliaries and not for merchant ships. They can not be auxiliaries—that is a technical term—until they are made a part of the Navy; that is, until they are commandeered in time of war and added to the Navy.

Mr. LA FOLLETTE. Then, Mr. President, if the Senator from Massachusetts is correct—

Mr. LODGE. That is as far as this appropriation goes.

Mr. LA FOLLETTE. If the Senator from Massachusetts is correct in his statement in distinguishing between these two classes of vessels, this item would not provide guns which could by any possibility be loaned by the executive department of the Government to the owners of merchant ships.

Mr. LODGE. Not without further legislation.

Mr. LA FOLLETTE. Not without further legislation?

Mr. LODGE. No.

Mr. LA FOLLETTE. There is no authority which could be regarded as an implication of the right to loan them?

Mr. LODGE. There is no authority in this bill whatever to use those guns for that purpose.

Mr. LA FOLLETTE. There is no authority in this bill; but let me ask the Senator from Massachusetts if there is any provision of law or any authority in the organic law which would give the President directly and plainly the right to loan the guns provided for in this paragraph to merchant ships?

Mr. LODGE. No.

Mr. LA FOLLETTE. Or for use upon merchant ships?

Mr. LODGE. There is an old statute giving merchant ships the right to arm and setting forth under what circumstances they may defend themselves; but it conveys no right to the Government to furnish ships with guns. I know of no other statute on the subject. I can not give the number of the statute just at this moment, but I have it. It is an old statute—nearly 100 years old—giving the right to merchant ships to arm and defend themselves under certain conditions. That right was given for the purpose of enabling ships to defend themselves against pirates.

Mr. LA FOLLETTE. Against pirates; yes.

Mr. NORRIS. Mr. President—

Mr. LA FOLLETTE. I yield the floor to the Senator from Nebraska.

Mr. NORRIS. I should like to ask the Senator from Massachusetts a question in reference to the answer he has just given to the Senator from Wisconsin. As I understood the Senator, he said there was no statute authorizing merchant vessels to arm.

Mr. LODGE. I said there was an old statute authorizing them to arm themselves.

Mr. NORRIS. That there was such a statute?

Mr. LODGE. Yes; an old statute, which has been on the statute books for a hundred years.

Mr. NORRIS. I understood the Senator to say "no" statute, but it appears that he said an "old" statute.

Mr. LODGE. I said "an old statute." This provision of the bill applies to ships commandeered in time of war by the Government for the purpose of making them a part of the Navy, as the word "auxiliaries" implies. A merchant auxiliary of the Navy is a ship of war in the eye of the law, but an armed merchant ship is not a ship of war and does not lose her character as a merchantman armed for defense.

Mr. NORRIS. The question which I was asking, perhaps, does not relate strictly to this particular amendment. I was

really trying to get some general information. The statute permits merchant ships, then, to arm themselves as they may see fit—or is there any limit to it?

Mr. LODGE. There is no limit expressed in the statute at all.

Mr. NORRIS. If a ship armed itself, then, without reference to any governmental connection whatever, would there be any limitation on its right to enter and depart from ports that would interfere with it, anyway?

Mr. LODGE. That would depend on the evidence, as Chief Justice Marshall said, and as Mr. Lansing said when he issued regulations in regard to belligerent merchant ships. The question of whether it is an armament for defense is a question of fact to be determined in each case.

Mr. NORRIS. Has there been any decision on the subject of the arming of merchant ships by which a person could guide himself to any extent?

Mr. LODGE. In a circular letter which Mr. Lansing sent out at the beginning of the European war, there were laid down certain general propositions as evidence of the character of armament.

Mr. NORRIS. As I remember, we rather changed our attitude on the subject in a subsequent letter addressed to all the belligerents.

Mr. LODGE. We tried to.

Mr. NORRIS. And the suggestion was made that a ship armed in any way would be considered as a warship.

Mr. LODGE. Yes; that change was tried, but abandoned. We are now living under the regulations of September, 1914, which have not been changed.

Mr. NORRIS. Those are different regulations, of course, from the position that we sought to take in the beginning?

Mr. LODGE. No; that is the position that we took in the beginning as establishing the character of a ship.

Mr. NORRIS. Perhaps the Senator is not thinking of the same thing I am; but, as I remember, near the beginning of the war we addressed a communication to all the belligerents in which we suggested that any guns on a ship would have the effect of making it a warship, and later we assumed a different attitude.

Mr. LODGE. The Senator is mistaken. It was just the other way. We issued a circular at the beginning of the war stating certain qualifications which would be evidence of the character of a ship; that is, as to whether it was a merchant ship or a ship of war. For instance, I will take the first qualification, namely, that if a merchant ship carried a gun of a larger caliber than 6 inches, that would be evidence or create the presumption that it was armed for other than defensive purposes. That position we held until January 18, 1916, when Mr. Lansing put out what was known as a tentative note, looking toward a change in the rules as to what constituted a change of character in a merchant ship, but that was never pressed.

Mr. NORRIS. What was that tentative note? I simply desire to ascertain if the Senator has the same idea that I have.

Mr. LODGE. It was simply a suggestion that changes might be made. The Secretary of State went into no details, but he suggested that the old rules of international law as to what constituted armament, and so on, might be changed so as to be accommodated to submarine attacks.

Mr. NORRIS. I think the Senator is thinking of a different letter from the one I have in mind.

Mr. LODGE. I am thinking of the only ones on that subject of which I know. I followed them with great care.

Mr. NORRIS. I have in mind a letter which was given great publicity and which was sent to all belligerents.

Mr. LODGE. That was the letter of January 18, 1916, but in that letter there were laid down no other specific requirements.

Mr. NORRIS. It is not my idea that he did; but my recollection now is—

Mr. LODGE. That letter was dated January 18, 1916.

Mr. NORRIS. My recollection is that the idea the Secretary of State wanted to convey was that since armed merchant vessels originally were permitted on the ground that there were pirates on the sea, and inasmuch as pirates had long since disappeared, the reason for arming merchant vessels had disappeared.

Mr. LODGE. He did.

Mr. NORRIS. And his suggestion was that they ought not to arm at all.

Mr. LODGE. That was the suggestion.

Mr. NORRIS. But other nations rejected that view?

Mr. LODGE. Nobody else seemed to approve of it among the other nations so far as I ever heard.

Mr. NORRIS. I never heard of it ever being approved by any other nation.

Mr. LODGE. Shortly afterwards the President wrote the note in which he said American rights must not be abridged, and called on Congress to defeat certain resolutions.

Mr. NORRIS. Yes.

Mr. LODGE. So I think we are left standing on the provisions of the note of September—I do not remember the exact date in September, but of September, 1914.

Mr. NORRIS. I want to ask the Senator another question of a general nature on the subject: In connection with the statement that if guns of larger caliber than 6 inches were carried, it would be considered evidence that the vessel was an armed vessel; was there, as the Senator remembers, any limitations as to the number of guns?

Mr. LODGE. No; it referred to an unusual number of guns and an unusual number of the crew. It put no distinct limitations on the guns. It did not go into the question of broadsides, or anything of that sort. It assumed, I presume, that broadsides under modern conditions would be considered arming for attack; but I do not recall that it spoke of that particularly.

Mr. NORRIS. Our Government, as I remember, has not taken any position in regard to merchant ships carrying broadsides, for instance, or carrying guns except at both ends of the ship?

Mr. LODGE. I think under modern conditions if a ship were armed broadside it would be taken as a presumption, as evidence, that it was armed for attack.

Mr. NORRIS. Does the Senator think that would be true under existing conditions, where there is notice given by one of the powers that she is going to attack vessels without warning, and the fact that it is almost necessary to have guns on the sides of the ship in order to meet such an attack?

Mr. LODGE. I think that would give a wider scope to the meaning of "defensive armament."

Mr. NORRIS. Yes; I should think so.

Mr. LODGE. Undoubtedly. And, of course, any nation can determine for itself what it calls "defensive armament."

Mr. NORRIS. Of course, after all, it is a question of fact, as the Senator has said.

Mr. LODGE. It is a question of fact.

Mr. NORRIS. And, as part of the facts, a merchant vessel would have a right to take into consideration a public announcement of one of the great powers.

Mr. LODGE. Absolutely.

Mr. NORRIS. That it would attack vessels without warning; and therefore, perhaps, what would have been considered under regulations prior to such notice as offensive armament might under changed conditions be considered as defensive armament.

Mr. FALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. NORRIS. If the Senator desires to speak on the question, I will yield the floor. I was merely trying to get some information.

Mr. FALL. I merely desire, along the lines on which the Senator was speaking, to call his attention to the fact that, in so far as the merchant vessels of the United States are concerned they can not be governed in their action by any statement as to what the armed vessels of a nation with which we are at peace were going to do and the change thereby made in the mode of warfare. That could not affect the rights or the limitations of a merchant vessel. The merchant vessels of the United States stand in exactly the same position with reference to the high seas as a citizen of the United States stands, in so far as national duties, and so on, are concerned. A merchant vessel of the United States under no circumstances is authorized to defend itself against even an illegal attack of a vessel of war of any nation with which this Nation is at amity.

Mr. NORRIS. Yes; I think that is according to a statute.

Mr. LODGE. That is the statute to which I referred.

Mr. FALL. Yes; the statute is simply following the rules of international law on that subject. The statute gives the affirmative right to defend against unlawful attacks of ordinary vessels—

Mr. LODGE. Certainly.

Mr. FALL. But not of the national vessels of any nation with which the United States is at peace.

Mr. LODGE. The statute was to give protection against piracy, primarily.

Mr. FALL. Certainly.

Mr. LODGE. But, if the Senator will allow me, of course, this Government can confer larger powers on its merchant ships.

Mr. FALL. Oh, undoubtedly—the Congress can; not the President.

Mr. LODGE. I mean the Congress.

Mr. FALL. The Congress can, but not the President of the United States.

Mr. LODGE. No, no; I mean the Congress.

Mr. FALL. The Congress can, because then that is the country of the merchant changing its municipal law, if necessary, as it sees fit, for his own protection. In other words, the Congress of the United States can give the merchant vessels of the United States the legal right to defend against the armed national vessels of a nation with which we are at amity. That affords him protection. Without such powers or rights being vested in him by his country, if he does even defend against the attack of a national vessel of a country with which we are at amity, he is not entitled to be treated even as a prisoner of war, but he is tried by a military court-martial, not by the ordinary courts. It is not a question of prize, not a question of civil action, not a question of confiscation, not a question of forfeiture, but it becomes a criminal matter, to be dealt with by the strong hand of the military force. In other words, he is on a par with a pirate. Now, if his country does affirmatively confer upon him the right to resist against such an attack then his municipal law protects him against such charge of piracy and trial by a military court-martial.

The statutes of the United States have absolutely, in terms, prohibited the defense by one of our merchantmen against any kind of an attack made by a national vessel of a country with which we are at amity. The statute of the United States nowhere prescribes the number of guns which a merchant vessel may carry as a defense against piratical attack. It leaves that to the circumstances of the occasion, or to the necessities. But in time of war, when the United States undertakes to occupy the position of a neutral, then by maintaining that position or undertaking to maintain that position by proclamation or by act it at once assumes duties to the belligerent countries. One of those duties is to see that no privateersmen or other ships are fitted out in its harbors which may be used against either of the belligerents. Therefore, not because the President might have any possible power to interfere with the navigation or commerce laws of the United States—for under the Constitution that is peculiarly within the province of Congress, so that he can not change those laws—but in seeing that the duty of this country as a neutral is performed—and that is his duty, to see that we maintain properly our position of neutrality—it becomes possible to say how many guns one of the vessels sailing from our ports may carry. It is within his judgment to say, in passing upon this question of neutrality and protecting our neutrality, whether a vessel shall sail from our ports. A merchant vessel can not sail, as the Senator knows, of course, without clearance papers. Not in interference with the navigation or commerce acts, but in protecting the neutrality of this country in time of war, the President can then instruct the collectors of the ports that they shall see that any ship clearing shall only have arms of a certain caliber, a certain number, and mounted in a certain place.

Mr. LODGE. That is absolutely correct, of course. That was the purpose of Mr. Lansing's first note.

Mr. FALL. Exactly.

Mr. LODGE. But if the Senator will allow me a single remark, the Senator showed very conclusively the other day, from the precedent of 1798, that these powers can be conferred on merchantmen by Congress without a declaration of war.

Mr. FALL. Undoubtedly; and the President of the United States might issue a note to the collector of the port of New York, for example, allowing him to issue clearance papers to a merchantman armed even with broadside guns, if he had not already taken the position that no such merchantman should be allowed to clear from our harbors, whether a belligerent vessel or one of our own national vessels. Now, as to the effect of an action of the President, without the authority of the Congress or with it, in changing the rules which he has adopted for neutrality and the regulations adopted to maintain our neutrality, under the theory that we propose to authorize the President to put this country in a condition of armed neutrality as distinguished from unarmed neutrality he might be allowed to change the rules already established as to one gun, I believe, at the stern, of a certain caliber; but any change of the rules of neutrality during time of war by any neutral nation, of course, carries corresponding responsibilities to the belligerent nations and is governed by the ordinary rules as to maintaining neutrality during time of war.

Mr. NORRIS. The Senator's explanation is very illuminating. It gives me a great deal of information on the subject. I want to ask him a question or two further, if he will permit me.

Mr. FALL. I shall be glad to answer the question if I can.

Mr. NORRIS. The Senator speaks of the power of the President in maintaining the neutrality of the Government and mak-

ing regulations as to how ships can be armed before he will permit them to depart. First, I want to ask the Senator, does the President get that authority from any statute law passed by Congress or is that a general rule?

Mr. FALL. He gets that authority from the constitutional power vested in the executive department, under which as the Commander in Chief of the Navy and the Army of the United States, he is charged with the defense of the United States. One of the matters of defense is the preservation of neutrality, under that general constitutional power.

Mr. LODGE. Also under the neutrality acts, of course.

Mr. FALL. Certainly.

Mr. NORRIS. Well, is the President given authority in the neutrality acts to make such regulations as he sees fit?

Mr. LODGE. He is given certain authority. I will get them.

Mr. NORRIS. I wish the Senator would. While that does not bear directly on this amendment, I think it is a subject that we probably ought to have a great deal of information about.

Mr. FALL. I do not think there is any particular, specific statutory authority given the President. As I recall it, that would answer the Senator's question.

Before I take my seat, I do not know that I have made this sufficiently clear. As I understand it, while the President might now possibly authorize ships to clear from the port of New York or any other port with other arms than those which have heretofore been prescribed—the stern gun of a certain caliber—while he might authorize that, the President of the United States could not possibly authorize any merchantman sailing from the United States to defend itself against the attack of a German submarine. Congress, and Congress alone, can give such authority to such merchantman.

Mr. NORRIS. Then, what would be the reasonableness of a rule made by the President under this power that would provide that a merchant ship could put on more guns, when as a matter of fact they would not have any right to use the guns in defense against a submarine, for instance?

Mr. FALL. None, except upon the theory that this country is going into armed neutrality, and is going to change the rules—going to change the statutes—and, of course, the Senator knows that that can only be done by Congress—

Mr. NORRIS. Yes.

Mr. FALL. And is going to vest authority in the merchantman to defend itself against the armed vessels of another nation. Now, you might whip the devil around the stump, as you might say, by allowing this additional armament upon the theory that the merchantman would defend itself against another attack than that of a national of some foreign country with which we are at peace; but that would not justify nor clear the merchantman so defending, if he did defend, against the attack of a national vessel; it would not place him in any different position.

In other words, in 1894 Mr. Gresham, our Secretary of State, had occasion to send instructions to our minister to Haiti with reference to the rights of defense by a merchantman in resisting attack made under cover of authority by some revolutionary government, or some one claiming to hold a commission from some revolutionary government. Mr. Gresham took particular pains to instruct our minister at Haiti that any such vessel must understand that in using its defensive guns it was liable to become subject to the piracy act, to being condemned as a pirate, and its crews to being hung by summary court-martial, drum-head court-martial, without any trial at all; he said, "It should also be borne in mind that a merchant vessel using arms of destruction on the high seas, unless duly commissioned for the purpose, may expose herself to the charge of piracy," and the Attorneys General of the United States in several different instances have passed upon the same proposition, for instance, with reference to the shipment of contraband.

The majority of our commerce to-day with the European countries is either contraband of war or enemy's goods. Now, of course, under the rules of war no one carrying contraband is entitled to go through a blockade, nor can he at all defend against the attack of any vessel seeking to halt him. He must stop, must surrender, must turn over his cargo. The same thing is true of vessels carrying enemy's goods; and as Attorney General Speed at one time said, a merchantman resisting an attempt to search, if he was carrying contraband or enemy's goods, laid himself open to the charge of piracy, and in fact became a pirate, although he was not animated under the old definition of *animus furandi*; that is, he was not a common enemy against all the countries of the world, sinking all vessels alike; but if he was carrying contraband and was halted and refused or resisted search, he was an enemy and practically a pirate. Of course, I am not quoting the exact language.

Mr. NORRIS. I want to ask the Senator another question before he sits down. I think he has explained very properly

what the law is. As I understand, it is to the effect that one of our merchant ships, for instance, armed, no matter to what extent, would not have the right under the statute to attack a submarine even though the submarine were going to attack the merchant ship. Now, we come back to the proposition—

Mr. FALL. If the Senator will pardon me, let me illustrate that particular point just a little further.

Mr. NORRIS. Certainly.

Mr. FALL. Suppose the case of two vessels of ours, sailing in consort we will say, or one within reach of the S. O. S. call of another, on the high seas. One of them attacked by a submarine, being shelled by a submarine, if attempting to resist, would be liable as an enemy, possibly as a pirate, depending upon the particular circumstances. Of course, it could plead necessary self-defense on the trial for violating international law and the laws of our own country; but certainly the consort of that vessel, or any other vessel hearing the S. O. S. call, must at once make its escape and get away from the submarine, instead of going to the assistance of its sister vessel so being illegally attacked.

Mr. NORRIS. The point on which I want a little further light from the Senator is this: Take the law as it stands. That means that the merchant vessel dare not attack the submarine, no matter what the submarine may have in contemplation, even if it is known that the submarine is going to attack the merchant vessel.

Mr. FALL. It may not even oppose and defend, under the words of the statute.

Mr. NORRIS. Yes. Then we come back to the other proposition, that the President has authority, under the laws of the country, to issue regulations in regard to the arming of merchant vessels, and he permits merchant vessels to arm under that authority.

Mr. FALL. Not regulations with reference to arms, but regulations with regard to clearance from a port.

Mr. NORRIS. Yes; I understand. In other words, they can not clear from the ports if they are armed contrary to the regulations that he lays down. Now, then, the ostensible reason for permitting them to carry any arms—

Mr. FALL. Is against piracy.

Mr. NORRIS. Is against piracy. Every man knows that there are now no pirates in the world.

Mr. FALL. Well, I do not agree with the Senator there.

Mr. NORRIS. Does not the Senator agree with me? Then I should like to have the Senator explain that. Are there some pirates, and where are they, and who are they?

Mr. FALL. I think that every national vessel or other vessel of the central powers pursuing the methods which they have been pursuing prior to and since the sinking of the *Lusitania* has been engaged in piracy, contrary to the rules of war and contrary to international law, and that they have placed themselves beyond the pale of law.

Mr. NORRIS. Does that include the submarines?

Mr. FALL. I have reference to the submarines, particularly.

Mr. NORRIS. I understand. I supposed the Senator had particular reference to the submarine warfare. Well, that being true, if they are pirates, then why can we not use these guns to sink them?

Mr. FALL. You can, if Congress will declare that they are pirates; but you can not as long as they sail under their colors, and you can not even defend against them; so you must change your law.

Mr. NORRIS. Then, is the Senator warranted in saying that they are pirates, when there is a law of Congress that says they are not pirates?

Mr. FALL. I say that they are pirates. The Senator must understand that there is an entire difference. The term "pirate," as ordinarily used, is a term used in international law. Piracy can also be defined by municipal statute; and the two classes of piracy are entirely distinct and different. The rules governing one do not apply to the other. I say that in my conception of international law the warfare as carried on by the German submarines constitutes international piracy; not piracy under the municipal definition.

Mr. NORRIS. Then, as I understand, the merchant vessels that arm themselves according to the rules laid down by the President have the right to defend themselves against one kind of pirates, but not against another kind of pirates.

Mr. FALL. Because your municipal law has distinctly declared on the subject, and your merchant vessels are governed by that. The theory, the Senator must understand, is to give protection in foreign countries. The President might arm these ships to-day; they might sail from our harbors; and they might sink a German submarine illegally attacking them, or attacking them, as the Germans claim, legally. Coming back

here to our ports, or if they were brought into our ports for trial by arrest on the high seas, or when they returned, if they were brought in here, then the fact that they had the authority of the President of the United States so to act might be urged in mitigation of the offense, and we would not try them, undoubtedly, under the military law. But an entirely different status would immediately apply if they were captured by Germany and taken into a German port or the port of one of the central allies. There they would stand as pirates. Here they might stand as patriots.

Mr. NORRIS. Well, if the Senator will permit me just a little further, when I said that everybody knew that there were no pirates, the Senator said there were pirates.

Mr. FALL. I think so.

Mr. NORRIS. I had reference now to such pirates as these vessels would be, under the law, permitted to attack; and there are no such.

Mr. FALL. Oh, undoubtedly under our laws as they stand, each of our men attacking them would himself be subject to trial by military court-martial exactly as though he were a pirate, if he were captured and tried in a foreign country.

THE REVENUE.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is House bill 20573.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. SIMMONS. When the bill was laid aside yesterday the Senator from Ohio [Mr. HARDING] had the floor. I should like to ask the Senator if he will not yield to me to suggest at this time that we pass over the amendments on pages 14 and 15 down to the margarine amendment and take that up as the next Senate committee amendment for consideration.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. SIMMONS. I make the suggestion because a large number of Senators are interested especially in this amendment, and it would accommodate them if we could have our next vote upon it.

Mr. HARDING. That course is entirely agreeable to me.

The PRESIDING OFFICER. Is there objection?

Mr. CUMMINS. Mr. President, a parliamentary inquiry. What was the request of the Senator from North Carolina?

Mr. SIMMONS. I made it more in the nature of a suggestion than a request. I suggested that we pass over the amendments on pages 14 and 15 down to the margarine amendment, and that the margarine amendment be taken up as the next committee amendment, merely for the purpose of accommodating a situation.

Mr. CUMMINS. I myself have no objection. The Senator from Ohio [Mr. HARDING], I understand, has the floor.

The PRESIDING OFFICER. Without objection, it will be passed over, then. Is there objection? There being no objection, that order will be made. The Senator from Ohio has the floor.

Mr. HARDING. If the Senator in charge of the bill wishes to take up the oleomargarine amendment, I have no objection.

Mr. SIMMONS. I understood that unanimous consent was given.

Mr. SMOOT. It was. There are a number of Senators who were not present when the unanimous consent was given, and they do not know that the oleomargarine amendment is before the Senate. For that reason I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fernald	McCumber	Smoot
Bankhead	Harding	McLean	Stone
Beckham	Hardwick	Martine, N. J.	Sutherland
Borah	Hitchcock	Myers	Thomas
Brady	Hollis	Nelson	Thompson
Brandegee	Husting	Norris	Tillman
Broussard	James	Page	Townsend
Bryan	Johnson, S. Dak.	Penrose	Underwood
Catron	Jones	Pittman	Wadsworth
Chamberlain	Kenyon	Pol Dexter	Walsh
Culberson	La Follette	Ransdell	Warren
Cummins	Lane	Shafroth	Watson
Curtis	Lee, Tenn.	Sheppard	Weeks
Dillingham	Lee, Md.	Sherman	Williams
du Pont	Lewis	Shields	Works
Fall	Lippitt	Simmons	

The PRESIDING OFFICER. Sixty-three Senators have answered to the roll call. A quorum of the Senate is present.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. OVERMAN. Mr. President, will the Senator yield to me to make a conference report?

Mr. HARDING. Why, certainly. I delight to yield to the Senator from North Carolina.

Mr. OVERMAN. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill.

The PRESIDING OFFICER. The Senator from North Carolina submits a conference report, which will be read.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 5, 23, 24, 25, 32, 33, 34, 37, 38, 39, 42, 43, 44, 51, 53, 55, 59, 61, 69, 70, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 35, 36, 40, 41, 45, 46, 47, 48, 49, 50, 52, 54, 56, 57, 60, 63, 64, 65, 66, 67, and 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Senate resolutions numbered 561, Sixty-third Congress, third session, and 101, Sixty-fourth Congress, first session, are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements, and shall submit a report to the Secretary of the Treasury and to Congress, with recommendations, at its next regular session."

"The Bureau of Efficiency shall investigate the work performed by the Subtreasuries and report to the Secretary of the Treasury and to Congress at the beginning of the next regular session what part of the work of the Subtreasuries may be transferred to other offices of the Government, banks of the Federal Reserve System or farm-loan banks, and for the purpose of this investigation the representatives of the Bureau of Efficiency shall have access to all necessary books and other records of the Government."

"The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this provision."

"The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States, and shall submit to Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar services."

"Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "departments," insert the following: "and independent establishments of the Government"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For employees now paid from appropriation for emergencies arising in the Diplomatic and Consular Service, \$4,140"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Federal Farm Loan Bureau: For 4 members of the board, at \$10,000 each; secretary to the board, \$4,500; chief, bond division, \$3,000; 4 private secretaries, at \$2,000 each; clerks—1 of class 4, 1 \$900, 3 at \$720 each, 1 \$600; clerk and stenographer, \$1,200; stenographers—7 at \$1,000 each, 4 at \$900 each, 3 at \$720 each; messenger; and 3 assistant messengers; in all, \$77,920;

"For salaries and expenses under the Federal Farm Loan Board created by the act approved July 17, 1916, including the actual necessary traveling expenses of the members of the board and such salaries, fees, and expenses as are authorized by said act, including farm-loan registrars, examiners, and such attorneys, experts, assistants, clerks, laborers, and other employees in the District of Columbia and elsewhere as the Federal Farm Loan Board may find necessary, \$182,080; in all, \$260,000. A detailed statement of expenditures hereunder shall be made to Congress.

"Estimates in detail for all expenditures under the Federal Farm Loan Bureau for the fiscal year 1919, and annually thereafter, shall be submitted to Congress in the annual Book of Estimates."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 58, and in lieu of the matter inserted by said Senate amendment, insert the following: "Provided, That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisoned for not less than six months, or by both such fine and imprisonment as the court may determine"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 8. The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized, after such report shall have been made to him, wherever he finds such duplications to exist to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session."

And the Senate agree to the same.

LEE S. OVERMAN,
REED SMOOT,

Managers on the part of the Senate.

JOSEPH W. BYRNS,
THOMAS U. SISSON,
JAMES W. GOOD.

Managers on the part of the House.

Mr. OVERMAN. Mr. President, I will state that all but one of the conferees on the part of the Senate felt that by the vote of last night they were instructed to recede from the position which has been taken so far, and to agree to the House amendment, which provided for an increase of 10 per cent to Government employees receiving up to \$1,200, and 5 per cent to those receiving above \$1,200 and up to \$1,800; and we have added to the bill \$1,300,000, the amount which it is estimated will be required for the payment of those increases to the

employees covered by this bill. The Senator from Florida [Mr. BRYAN], one of the conferees, refused to sign the report; but the Senator from Utah [Mr. SMOOT] and myself, feeling that we were instructed by the Senate, signed the report. This is a full and complete report, signed by all the conferees with the exception of the Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMOOT obtained the floor.

Mr. SMITH of Georgia. Mr. President, I do not think this matter can come up for consideration at this time except by unanimous consent. I object to its immediate consideration.

Mr. SMOOT. The Senator will not object to my saying just a word. I was recognized. Mr. President, I want to express my regret—

Mr. HARDING. May I ask—

Mr. SMOOT. I only wish to speak for a moment.

Mr. HARDING. I will yield to the Senator temporarily.

Mr. SMOOT. I simply want to express my regret that in this report we could not include the increase of 15 per cent in the salaries of Government employees receiving \$480 or less. The House amendment provides that up to \$1,200 per annum the increase shall be 10 per cent. If there had been any way, Mr. President, in which I could have insisted on that part of my amendment which gave an increase of 15 per cent on all salaries of \$480 per year and under, I should have insisted upon it and refused to sign the report; but as there was only one of two things to do—either refuse to sign the report and let the bill die, or accept the House provision as passed—I concluded that the proper thing for me to do after the action taken by the Senate last night, was to sign the report.

I therefore hope that the report will be agreed to.

Mr. BRYAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. HARDING. If it is for an inquiry or for a very momentary matter; yes.

Mr. BRYAN. No, Mr. President; the Senator yielded to the other conferees on the part of the Senate on this bill, and I only wish to make a statement on the same subject. Of course, if the Senator does not want to have me do it I will not ask him to yield.

Mr. HARDING. Mr. President, there is no one in the Senate Chamber to whom I would rather show courtesy than the Senator from Florida, but I should like to finish my remarks.

Mr. BRYAN. The Senator yielded to the other conferees. It is a funny way to show a courtesy.

The PRESIDING OFFICER. Does the Senator yield?

Mr. HARDING. If I will not lose the floor.

The PRESIDING OFFICER. The Senator will not be taken from the floor.

Mr. HARDING. I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, I dislike to trespass upon the time of the Senator from Ohio. I merely desire to say that I have not signed the conference report. I shall not, however, undertake to oppose its adoption. I believe the committee acted justly in the beginning, and I am sure that those who need help would have received it better under the Senate amendment than under the House amendment, and at half the expense.

Last night, when the Indian appropriation bill was under consideration, there was not an opportunity given to enter into the reasons that actuated the committees that had been insisting upon the Smoot amendment on all these appropriation bills. The Senator from Wisconsin [Mr. LA FOLLETTE] argued the question at length upon the assumption that employees hired by private concerns were being paid higher wages than Government employees. I undertake to say, Mr. President, that the Government employees, without any increase at all, are receiving 25 to 50 per cent higher wages than employees of private concerns. The very illustration used by the Senator from Wisconsin will demonstrate that.

He said that night before last he was on a street car and the conductor told him that after being in the service for five years he received 27 cents an hour, and that he worked 10 hours a day. Now, if he worked every day in the year after having been in the service for five years he would have been receiving \$985.50 per annum. Take a man that enters the Government service and compare that, will you? He enters at \$800 in the Post Office Department, and under the law he is automatically promoted, if he remains in the service, until he receives \$1,200; so a man entering the Government service would have been receiving \$1,200 as against the \$985.50. But bear in mind that this street car conductor friend of the Senator from Wisconsin had to work 365 days in the year to get his money, and that the

Government employee has 30 days' leave of absence, 30 days' sick leave, and holidays in addition, besides Sundays. But omitting the holidays, he is paid for 132 days on which he does not work, and still he is getting 25 per cent higher pay than the street car conductor at the end of five years, though he works only 233 days as against the 365 of the other man.

Mr. President, the Senator said that we were building up an official aristocracy. That is what we are doing; and by the passage of this House amendment you have not only increased the appropriation \$26,000,000, but you have increased it upon one bill alone \$13,000,000—that is, the Post Office bill, which gets half of all the increase—and it goes to a class of people who are the most highly paid class of employees in this country. There is the aristocracy, gentlemen of the Senate. Under the law they can not be discharged, they get this automatic promotion, and they get these holidays off. The men in private employment, on the other hand, run the risk of being discharged, they do not have 60 days off besides Sundays, and they get from 30 to 50 per cent less wages.

Mr. President, there are two classes of people in this country—the taxpayers and the tax eaters. It is easy enough to get up here, where the galleries are filled with the beneficiaries of this legislation, and speak of them as being underpaid, when the average pay in the Government service is twice as much as the farmers throughout this country make, working day by day and week by week and month by month, without any holidays at all.

I have no hesitation in saying that I think an injustice is being perpetrated upon this country, an injustice that, if it is carried out, will make favorites of Government employees over those in private employment, that will make all of them quit their private employment and seek Government employment instead. Therefore I refused to sign any such report as that.

I thank the Senator from Ohio.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMITH of Georgia. No; I object to its immediate consideration.

The PRESIDING OFFICER. The objection carries it over.

Mr. NORRIS. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. NORRIS. I understand that under the unanimous-consent agreement the conference report goes over, but I should like to inquire of the Chair whether that objection puts it over until after the disposition of the pending bill? The point I want to make, Mr. President, is this: Could somebody else in the absence, for instance, of the Senator from Georgia call it up again, and if he was not here, and somebody else did not object, would it be taken up notwithstanding this objection before the expiration of the unanimous-consent agreement?

Mr. SMITH of Georgia. Unless some of us are here to object, undoubtedly it may be called up, but I think somebody will be here.

Mr. OVERMAN. I am going to call it up, but I do not think I will have a right to call it up until after the disposition of the revenue bill, under the objection made to-day.

The PRESIDING OFFICER. Except during the morning hour.

Mr. OVERMAN. Except during the morning hour. If there is a morning hour I can take it up, but I will not take advantage of the Senator, of course, if he is not here.

Mr. NORRIS. That is the understanding I wanted to have.

Mr. OVERMAN. I give notice that if there is a morning hour to-morrow morning I will ask to take it up then. If not, of course, the objection will carry it over to the next morning.

Mr. SMITH of Georgia. It will be up to the Senate, then, to decide whether they will permit it to be taken up or not.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. HARDING. Mr. President, I think it will be no flagrant violation of the rules of the Senate if in concluding the remarks which I began yesterday I address myself to the bill in general, rather than specifically to the pending amendment relating to the oleomargarine tax.

Ordinarily I should be content to allow such remarks as I made yesterday to answer for my protest against the pending legislation, were it not for the fact that it would be very easy to misconstrue the purport and the intent of the protest which I was seeking to utter.

It has not been my thought at any time, Mr. President, to cry out against placing its just burdens of taxation on the wealth of the land. I do not know that wealth, corporate or individual, has been more clamorous in the cause of preparedness than any other element in our American life. I do not think it has more at stake. I do know from personal observation that those who represent both corporate and individual wealth are ever ready to bear their just burdens of taxation; and it goes without the saying that corporate wealth is the most available we have to reach in the normal processes of taxation, particularly by the State or local subdivision. Its tangible property is as readily reached as any other, and in the modern processes of reporting corporate possessions its intangible holdings are made more evident than that of any individual holder. So, then, in the normal processes of collecting taxes wealth encounters its just burdens under the ordinary procedure.

In recent years there has grown up a process of adding extra tax burdens, some of which I have no desire to complain against. I think most of them have been accepted without complaint, and if it were necessary to provide for the national defense, or if it were necessary in a time of emergency to meet the vast extraordinary expenditures incident to war, I believe there would be no serious complaint at the most extraordinary proposal made in the pending bill.

But I am objecting to it, Mr. President, as I stated yesterday, first, because it is unnecessary; second, because it is class taxation, and very unfair and dangerous as well; and, third, because it is utterly impracticable to make a just imposition and collection of the taxes.

For the moment, that section which has been passed over in the consideration of the Committee of the Whole I want to revert to. I refer to the conflict made manifest in our legislation regarding what constitutes the real capital of a corporation. Last September, when we passed a revenue act levying a tax of 50 cents per thousand dollars of the capital stock of corporations throughout the land, we provided not only in the law, but in the administration of it since, that a fair value of capital stock should be the value of the stock itself and the surplus and undivided profits. The Internal-Revenue Department in securing the necessary statements for the levy of this tax has passed a rule that certain intangibles shall be included in the assets of the corporations in order to fix the value on which it must pay this tax.

I alluded yesterday to the fact that the statement required of a corporation calls for monthly quotations of the market value of the stock. I think it is manifest to such Senators as are interested in the subject that one can not dependably fix the value of a stock by the market quotations. There are sometimes outside influences that give a momentary value to capital stock that is quite out of proportion to its real value. I need not enumerate the various influences which may bring about such a situation, and it would be very difficult for any Government agency to undertake to assess or fix a valuation on the various stocks of the corporate organizations of this land by means of market quotations, and any process of valuation would be even more difficult.

Noting that perfectly impossible undertaking, I have wished to suggest to the sponsors for this bill that they provide an amendment and say if we are to have this 8 per cent tax on the profits in excess of 8 per cent on the capital stock, the amount of capital of the institution shall be accepted in accordance with the representation of its value made under the revenue act of last September. Surely the Government does not expect one line of reporting, putting a high valuation on the assets of a corporation for the purpose of collecting a tax on the stock issued, and then reverse its policy and put a low valuation on the capital stock in order to minimize the exemption from the excess profits tax.

I am repeating this point which I hope in some way unknown to me will reach the ears of the sponsors for this bill. It would be a fair and perfectly logical thing to do and would eliminate from the proposed law the uncertainties and the unending conflict of fixing a value upon which there shall be exemptions from the proposed tax.

Mr. President, I do not mean to revert again to a thing that is so much in my mind, namely, the avoidance of a measure like this if the party to which I belong were able to write the revenue laws. I am very well aware that neither Congress nor the public is deeply interested just now in a tariff discussion. About the only thing that awakens our lively interest is something relating to the great world conflict which is now raging and the possible involvement of our own Nation. It is a rather prosy thing to discuss so selfish and materialistic a proposition as the industrial and business interests of our country. But nevertheless, Mr. President, unless the world has gone hopelessly

mad there must soon come an end to this conflict, and whatever may be the result in the adjustment of peace, there must come the after-conflict which grows out of the ambitions and rivalries of commercial and industrial nations.

Marked as must be the anxiety of the allied powers on whose commerce the submarine warfare is now being waged without mercy or consideration, anxious as must be the European nations which are involved in this unspeakable conflict, it is a fact nevertheless, Mr. President, that throughout the anxieties and trials there is being given serious thought to what must be the industrial and commercial aftermath.

I was very much interested to read, not very long since, a statement by Lloyd George that no matter how enormous must be the figures which represent the cost of the conflict to Great Britain, the people of England were in large part compensated by the industrial awakening which has come through the war, that they had scrapped their antiquated methods, they had instilled a new spirit and developed new strength in their industrial enterprises, and that they were better prepared on that account to enter the conflicts of the peace of the world which are to come, much better fitted to reestablish themselves than they were to hold their own before the war came.

Only within a day or two I was very much interested to read that aside from the spiritual awakening of France and a rebirth of patriotism in that country there was compensation in the war in that it had brought new application, new concern, and new development in the industrial resources of France, so that France, too, is looking forward hopefully to its part in the conflicts or the contests of peace which are to come after the war.

I need not speak of the policy of the industrial preparedness of the Imperial Government, or the land rather, of Germany. The wonderful development of Germany has made it the most formidable commercial rival of the United States that we had, and I think it is not unfair to say that the formidable character of the German development had its part in bringing about the war which is now waging.

These contemplations, Mr. President, lead me to the point I am seeking to make, namely, that instead of penalizing organized efforts in the United States under corporate form, instead of levying an unjust burden on success in this country, it would be well for these United States even now, when the mind of the world is focused on war, to give a thought to the promotion of our own preparedness for the contests which are soon to follow.

It is not possible, of course, in a short session of Congress, and would not be possible in the long session with the present majority in control, to rewrite the tariff laws of this country. I shall not be greatly surprised, however, if in the providence of political majorities the dominant party continues in control, that its representatives may be forced to rewrite the tariff laws of the country. But I recognize the impossibility at this session of securing a revision. I regret that the party to which I belong can offer nothing constructive at this time as a substitute for the pending measure.

But I have said the essential thing, Mr. President, that under the Republican policy of protection along lines of duties which existed under the last Republican protective measure we would be collecting on the present imports of the United States of America essentially a quarter of a billion dollars more than we collect under existing laws. In my judgment it would be a wise policy to put that burden of a quarter of a billion on the foreign producer who seeks the American market and take off or, rather, hold from the American producer the quarter of a billion that is proposed to be put on him as a class tax under the enactment of this law.

Mr. President, I was very much interested when I first came to the Senate, some 15 months ago, to hear the discussion which took place at that time relating to the extension of the so-called war emergency tax. I was very greatly impressed by a remark made by the junior Senator from Alabama [Mr. Underwood], whom I esteem so highly that I do not quote him in any contentious mood. Indeed, if I thought he would not hear it, I should preface my statement by the suggestion which is in my own mind, that the junior Senator from Alabama is so truly representative of the type of Democracy which was once dominant in this country, and believed in raising revenues by the exaction of import duties for that purpose, that I would consider him one of the most likely men in his party to carry the national standard of his party in the not very distant future. So when I make my allusion to the statement of the junior Senator from Alabama I do it in very great deference.

I heard the Senator say, Mr. President, last December, in defense of the tariff measure which bears his name, that we—meaning the Democratic Party or the majority in Congress—

had enacted a bit of legislation which has taken the burdens of taxation from the backs of the people who are less able to bear them, and have put those burdens on those who are best fitted to bear them. I assume that the latter statement makes reference to the income tax, with which, I may emphasize, I am finding no fault, Mr. President; but I do not accept the statement of the Senator from Alabama that he took the burdens from those less able to bear them, because experience, which is proof beyond all dispute, shows that the burdens were not removed, and whether war be altogether to blame or not, there has been a constant increase in the cost of the necessities of life, not only during the pending war but for many months prior to its outbreak.

I do not believe, Mr. President, that it is within the genius of any statesman who ever lived to reduce the cost of living by any reduction of the tariff. You can never reduce the cost of living except as you reduce capacity to live. So, then, if I may bring myself back to the theme which I have in mind, I wish it were possible to turn from the policy of putting a perfectly needless and unjustifiable burden on the corporate and partnership industries of this country, and collect it, as we have from almost time immemorial under Republican policies, from those who enter into competition for our American prosperity.

However, Mr. President, that alone is not my point. There is pending in this body a measure known as the Webb bill, recommended by the Chief Executive, designed to encourage the co-operation of American productive interests in going out to make conquests of the markets of the world. I will be very glad to vote for that measure myself. I can see the necessity for it. We have reached an age of big things in the world. We have gotten away from the time when the individual is the chief factor in our productive and commercial life. If you want to find the individual with a small undertaking, who is accomplishing even a little in the world, you must go to the very outskirts of civilization.

I remember last year, or the year before, I was traveling in northern Canada on a fishing trip, and away up on the outskirts of civilization I found an old-fashioned shoemaker, who was taking orders and individual measurements and making boots and shoes after the method that prevailed in this country 40 years ago. That would not be possible in the State of Maryland or Pennsylvania or New Jersey. He had gotten away beyond the contacts of active civilization, and there the individual was still thriving with his little industry; but in our greater American activities we have come to the age of great things, and these great accomplishments have been wrought by the association of capital and men.

I think, Mr. President, that that process, if we mean to hold America in its eminence, ought to be encouraged, and not penalized, as the pending bill proposes, and I can not understand why Congress will propose such a thing. If there were any avoidance of payment of the burdens which properly belong to these organizations, if they were a hurt or a hindrance to our American progress, instead of being a contributing agency, then such a course might well be justified; but these institutions are the things which make us what we are.

There is not a community in the United States, Mr. President, to-day that would not hold a jollification meeting if some one were able to announce the coming of a new corporate organization that would establish an industry in that community. I have heard the lamentation in the city of Washington, this great Capital, in the press and in certain circles, that one of the drawbacks to the Capital City, and one of the difficulties in finding sufficient tax values to make the District treasury show as it ought, lies in the fact that it has not any industrial institutions. I have never grieved at that myself. I have thought perhaps the Capital City would answer the aspirations of the American people better if it were distinctly a capital city rather than a typical American industrial city.

The point I am trying to get at in this rather rambling way is that the Congress of the United States, instead of adding this excessive class burden, ought to reverse the policy absolutely, and seek to find means for the encouragement and the upholding of the arms of American industry at a time when we are soon to face the new competition of the world.

That is not alone, Mr. President, because we have held a distinctly peculiar position; it is more particularly because, through the fortunes of the world involvement and our being thus far able to hold ourselves aloof, we have accumulated the great bulk of the gold of the world; and the nation that is able to buy offers the inviting market. The contending nations of Europe, no matter what the terms of peace may be, must rehabilitate themselves, and they are going to seek this market, and the ingenuity and the methods long since proven and the desperation of the situation are going to give Europe a hold

on American markets. I had rather vote for a revenue system, Mr. President, that will hold American markets for Americans first, rather than add unfair burdens to those who are seeking to hold these markets with their own activities. Let us aim to hold them our very own rather than open them up to the assaults of the competition of the earth.

I do not know that I can say it appropriately, but there is one thing I have deplored in the discussion of all these questions. I alluded to it briefly yesterday. I find fault with the tendency, not in one party alone, to make believe that laws are designed to do something for the great American mass by penalizing those who are achieving success. I think, Mr. President, it tends to rend the harmony of American citizenship and the concord of endeavor.

It is only a day or two since we were reading the farewell address of the Father of our Country. I wonder how many of you caught the significance of a phrase in that farewell address. I think it applies to the thing of which I am speaking. Washington said, in substance:

Our people must ever be on guard against the misrepresentations which come of envy and jealousy, for these tend to render alien to one another those who ought to be bound in the ties of fraternity.

I wonder if he did not mean those who preached the gospel of envy and hate; those who appealed to class prejudice; those who make their appeals to the less successful, who are inevitably and ever will be in the majority. There is no help for that. I do not know whether you want to question the wisdom of God Almighty; I will not; but He did not create men with equal ability, and He did not endow men alike with enterprise and industry and thrift. There ever will be these differences, and I had rather do something to compose them, so far as I can, than to make an utterance or to vote for a class of legislation which tends to magnify those differences.

I have been observing with some considerable interest the influence of our industrial system on American life. I believe, Mr. President, the finest illustration I can give is to take a bunch of the boys who were my schoolmates in the grammar and high schools of a village, a village of 600 inhabitants, where the democracy of the community is universal, so to speak; a village without any corporate body or any manifest wealth; a village where the son of the carpenter and the blacksmith and the minister and the doctor all blended in that democracy that you can not find anywhere except in the village. I have traced some of these boys in my recent reflections because I knew that they all started out in the world essentially alike, so far as material advantages were concerned; and it is a very interesting thing to see what became of them, and how much this so-called Government privilege and Government favoritism had to do with their lives. I shall not mention them by actual names, but I remember one—"Jeff," I will call him. Jeff was the bruiser in our class, always ready for a fight; a tight-fisted fellow. You would not have expected him to make any particular mark in the world, as I estimate him in the reflections of 40 years, but that fellow, with his tight fistedness, took a very natural bent. He became the village banker, and he is the successful banker in that village to-day. If he had chosen to cast his lot in a wider sphere, I am not sure but that he might have been such a man as would have control of a great banking institution in New York. He is an important, thrifty, influential man in that village to-day.

And I remember another, whom I will call "Bill." If anyone in that crowd had more material advantages than another, it was he. He was inordinately bright, and, I take it, that in his grades he always stood at the head of his class. I remember the teacher not infrequently pointing out Bill as an example for the others, a shining light who would some day illumine the world. Well, I am sorry to say, Bill's habits were not good; he yielded to a weakness. There was no "bone-dry" legislation at that time, and Bill made a failure of life. And Charlie—Charlie was the local saloon keeper's son, and, as we estimate things, his opportunities and prospects were the poorest of any in that class; but he had something in him that is the making of men, and his father, realizing that, assisted him to an education, and that boy, with no capital with which to start and of all of them having the least advantages, has become not only a great man in his profession to-day but he has become a successful farmer in addition, and if I were rating men he has made a notable success of life.

There was another one, Frank. Frank was the carpenter's son. There was nothing distinguishing about Frank's prospects. He made no marks of extraordinary character in his development in school, but there was something in him that suggested achievement, and he began making good, and Frank to-day is drawing \$25,000 a year as the head of a great com-

mercial institution and earning every cent of it; and in passing, I may say, is required to pay no excess profits tax on his large earnings.

There was one more—and I speak of him to emphasize my argument. What shall I call him, because I do not want to use his real name? "Josh," I will say; that is a village name. Josh was the bright luminary of that school. There was not one in a hundred pupils who did not believe he would be the shining mark. He was always proficient in his studies and seemingly a zealous, never-tiring worker; but Josh—well, Josh to-day is the janitor of his lodge. He plays one of the particular characters when they put on the "amplified third," and is momentarily the cynosure of all eyes; but he can not command \$10 in cash to save his life, and yet, Mr. President, I will wager he is the happiest man in the lot.

What is my application? Only this: I have not run on to the length I might, but these boys from the village, starting with exactly the same opportunity and equipment and with the same advantages in education, which were merely the advantages of a lot of boys in our American common schools, met the conditions of American life. Some of them went out to notable achievement; some of them linger in the village to-day—none of them was pushed forward by any Government favoritism; none of them profited by the so-called special privileges of government, but all of them meeting American opportunity alike, some succeeding, some mediocre, some failing. And I make the statement, Mr. President, that American business success, commercial or industrial, is not founded in any way on favoritism or privilege.

Now, why object to the proposed tax? This 8 per cent tax on excess profits is a penalty on success, and I make bold to say, Mr. President, that 8 per cent profit on a man's investment is not sufficient if you expect to have any further American development. Mr. President, I am myself an advocate of a fairer division of the profits of production in these United States, and if I knew how to do it, I would be standing here now advocating some system which would result in a fairer division between capital and labor of the profits of their co-operation. That is an entirely different question, however, from a Government penalty on success, and I make bold to say that if 8 per cent is to be the limitation of profits for developing capital in this country, American development will soon come to a standstill. Eight per cent money never lighted a furnace fire in these United States; 8 per cent money never laid a rail or stretched a wire or opened a mine. Eight per cent return is big for conservative capital, which is in the greater abundance, but conservative capital is of the type that picks out a demonstrated possibility, and then invests in the thing that is already developed, sometimes adding to its increment through increased efficiency that may well be applied; but American development has been wrought by capital which makes its venture in the hope of a larger earning than 8 per cent.

Look at the banker. The average American banker is well satisfied with 6 per cent on his capital and a guaranty against loss. There is an abundance of money in the United States at 4 and 5 per cent, if the security is ample; but listen, Senators, American development has its chances to take; there is the adventure of business, and our remarkable development in the last 60 years, which is ten times that of any other nation on the face of the earth, is due to this spirit of gambling in the human being whereby a man is willing to take his capital and add to it his energies and his genius and his pluck and determination, in the hope that the combination of these things will result in a profitable achievement. That is what has made us what we are.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. ASHurst in the chair). Does the Senator from Ohio yield to the Senator from Montana?

Mr. HARDING. Certainly.

Mr. WALSH. I am particularly interested in the Senator's discussion of this subject.

Mr. HARDING. I am glad the Senator is; and that condition is so rare that I want to pay him tribute. [Laughter.]

Mr. WALSH. I have in my desk here the last annual report of the Butte Superior Copper Co., not engaged in the production of copper, as might seem from its name, but in the production of zinc in my State. That company has a capital stock of a little more than \$2,000,000. Its profits during the year 1915 were something over \$7,000,000; in other words, it made over 300 per cent on its capital during the year 1915. It is entitled to 8 per cent exemption, which leaves 292 per cent net, and then it pays 8 per cent on 292 per cent, leaving it about 285 per cent net on its investment. Does the Senator think that

285 per cent net is very much discouragement to people who engage in the zinc-production business?

Mr. HARDING. Oh, Mr. President, the inquiry of the Senator from Montana is hardly a fair one to ask me to apply to the remarks I am making. That is a very exceptional case, and a very exceptional line in these war times. Enormous fortunes have been made in copper, and yet, Mr. President, I will venture to say that in the Senator's State there are a good many more millions of dollars that have been put in the ground in the gamble for ore that nobody has ever heard anything about and never paid a dollar in return. I myself, if I could command a million dollars, would not invest it in any sort of mining enterprise with the hazard which is at stake, and if I did take a portion of any capital I could command and put it into a hole in the ground I should want a very large return made possible before I would undertake it. We must not overlook the hazard of loss.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Montana?

Mr. HARDING. Certainly.

Mr. WALSH. The Senator states the facts exactly; and this bill contemplates taking the burdens of taxation off the backs of the poor fellows who have put their money into the ground and have not got it out to impose it upon those who, through good fortune as well as good business judgment, have been able to make 300 per cent.

Mr. HARDING. Now, since the Senator from Montana has been good enough to make that statement, I should like to have him, while he is on his feet, elaborate it. I want to ask the Senator, if he will be so kind as to tell me, how does the pending measure take the burden from the backs of the fellows who have lost?

Mr. WALSH. Mr. President, I understood the Senator to advance the idea that these enormous revenues should be raised by duties upon imports, such as, for instance, flour and wheat. Let me say further, Mr. President—and I feel at liberty to speak about it because I am engaged in raising sheep out in Montana—that I have another report upon my desk of a sheep company that has been selling its wool at 40 cents a pound. The report shows that it made 20 per cent last year upon its investment. I understand the Senator would have a duty imposed upon wool.

Mr. HARDING. I would.

Mr. WALSH. So that, as I understood the Senator, he would have the taxes imposed upon the things that people eat and the things that they wear, so that the poor prospector would be obliged to pay a heavy levy upon practically everything that he bought, and thus he would be contributing to the General Treasury. Now, Mr. President, I would prefer to relieve him, and impose it upon the Butte Superior Mining Co., that has been fortunate enough and has exhibited good business capacity enough to make 300 per cent upon its investment, an aggregate of more than \$7,000,000 in the year 1915. If the Senator will indulge me so far, I want to say further that probably this bill bears more heavily, if it may be spoken of in that way at all, upon the industries in the State of Montana than perhaps those of any State in the Union, outside of the State of Delaware, where are located the great powder plants; and yet I feel a pride in saying that not a company operating in the State of Montana has offered a word by way of criticism or of protest against paying the great taxes they will be obliged to pay, because of the enormous profits they have made, in order to meet the necessities of the Government in this crisis.

Mr. HARDING. Mr. President, the able Senator from Montana is a delight to me. Of course, it is his assumption that the burdens are to be placed upon the poor fellow, on the American consumer if you like, under the Republican policy of protection, but I will dismiss that with the statement that all experience disproves what he has said. You know, there is no more fallacious thing in the world than the assumption that a duty is added to the cost of an article, and is therefore a burden on the American consumer. I dislike to take up the time of the Senate, Mr. President, but since the Senator from Montana has raised the question, I must divert him for a moment.

Some years ago I made my first trip to France. I hope nobody will relate the experience I am about to give outside of the Chamber, because it is personal; but coming from a rural community, and knowing very little about the ways of the world except as I had read about them in a hazy way, I said to Mrs. Harding: "Now, there is a very high tariff on sparkling wine, and when we get to Paris the lid comes off. I am going to indulge myself once, because it will be very cheap over there." My recollection is that the tariff on champagne was at that time something like \$18 a case. I may be inaccurate as to the figures, but if it were true, then I should at least get the bottle

of wine in Paris at \$1.50 less than in this country, with the proportionate profit taken off of the retail price. I had visions at least of going in and getting a bottle of French wine for \$2, we will say, because I had heard it said, in a roundabout way, that the price in our own country was \$4.

We had not been in Paris but a day when I went to the Café de la Paix, on the Rue de l'Opera, or some place like that; and there was the absence, as was customary in a good many French cafés, of bills of fare with prices attached. So I ordered my dinner and, among other things, a bottle of French champagne, dreaming all along that, since the tariff is a tax, it would not cost me in Paris to exceed \$2; and, if the theory of the Senator from Montana is correct, it ought not to have cost more than that. When I received my check and found it so enormous that, like one from the country districts, I called for specifications, I found that my bottle of wine, which, according to rumors, could have been purchased in New York at that time for \$4, cost me in Paris, with no American duty, \$4.50 [laughter], and I learned through experience that the tariff is not a tax.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. HARDING. I do.

Mr. SMITH of Georgia. Does the Senator think that that was due to the fact that they recognized him as being from the country? [Laughter.]

Mr. HARDING. They may have seen the moss on my back. That is very possible. [Laughter.] But I trust the Senator from Georgia will remain. I will divert him again. I am not filibustering, Mr. President. The line of discussion is drawing me out.

Mr. SMITH of Georgia. Mr. President, I want to say to the Senator that I had a call at the door and I was going out for just a moment. I will return at once.

Mr. HARDING. I will excuse the Senator.

Mr. SMITH of Georgia. But if there is something real good in what he has to say, I will wait.

Mr. HARDING. Well, this is very worth while, and I hope the Senator will stay. If it is not, the money will be refunded at the door. [Laughter.]

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit an interruption for just one second?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. HARDING. Certainly.

Mr. MARTINE of New Jersey. I should like to ask, in view of the information the Senator has given the Senate as to his habits and luxurious tastes in regard to drinking wine in cafés—

Mr. HARDING. Only once, Senator—only once.

Mr. MARTINE of New Jersey (continuing). I should like to know whether he voted for a bone-dry District of Columbia or not? I should like to know how the Senator reconciles his habits and tastes with a bone-dry vote. [Laughter.]

Mr. HARDING. Well, I will settle this discussion with the Senator from New Jersey the next time I make the experiment in Paris.

Mr. President, as the Senator from Georgia, in perfect good humor, has seemed to question the directness of my illustration, I have another. I had heard, in my rural way, of the gay character of the French capital; and having been brought up along pretty restricted lines, and having that inevitable human tendency to break the confines just a little bit, on one of the trips that I had the fortune to make to the great French capital I said to Mrs. Harding, "Now, I want a night off. I want to see the lights of this city, and if you will enter into a contract with me that I shall have a night off without any inquiries afterwards, I will buy you any Parisian bonnet you may elect to choose." The compact was made, and I had my night. It was not worth it. [Laughter.] I do not recommend it to any of you. The next morning I started off to keep my contract about the millinery. That is a fad of mine—keeping contracts—and so I went with Mrs. Harding to a millinery shop on the Rue Royale, where together we picked out a very becoming pattern hat. I am ashamed to say what we paid for it—what I paid for it. [Laughter.] The cost of living had not then mounted so high, and we are less startled by enormous figures now; but for purposes of illustration I will say to the Senator from Georgia that that hat cost 40 good American dollars.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. HARDING. Certainly.

Mr. CHILTON. Would it interrupt the Senator to tell the Senate whether he purchased the hat after or before he visited that wine shop? [Laughter.]

Mr. HARDING. Well, I do not want the Senator from West Virginia to allow his bone-dry curiosity to take him too far into my private affairs. [Laughter.] I want to be serious, Mr. President. I am going to make an illustration that is worth while. It would not be fair to carry out my illustration now on the retail price of the hat I purchased, because tariffs are not fixed on retail prices; but suppose the Parisian milliner charged me 100 per cent profit, which is not unlikely; then the wholesale price of the hat would have been \$20. The tariff on millinery at that time was 60 per cent; and if the tariff is a tax added to the article as a charge against the consumer, then 60 per cent of \$20 would be \$12, and the hat in this country ought to be worth \$32 at wholesale. Then if the American distributor charges 100 per cent, like the French retailer, the hat would be worth in this country \$64—not worth it, but \$64 would be charged for it. But I will not assume that the American distributor charged so much. I will say that he only charged 50 per cent, and that makes the price of the hat on the retail market \$48.

Now, what were the facts? Bear in mind, if the Senator from Georgia will oblige me, that I had given up \$40 for it in Paris, and the tariff is a tax, and the tariff is 60 per cent. Well, this hat was a very beautiful specimen. It was a large one, and I, as the head of the family, became its special bearer and custodian. I carried that particular piece of millinery from Paris to Calais, and from Calais to Dover, and from Dover to London, and from London to Liverpool, and was bothered with it from one side of the Atlantic to the other, and when we landed in New York City, and a more or less vain woman put on her Paris hat here to go out and show it to New York, and we started down Fifth Avenue, we had not gone a block until in a show window was the identical hat [laughter] that I purchased and carried from Paris. The tariff is a tax, and I gave up \$40 in Paris for a hat and found it in a window in New York City advertised at \$24. That was not because I had moss on my back.

Mr. SMITH of Georgia. And it was not because the Senator took a night off just the night before? I will say to the Senator that I also have been to Paris.

Mr. HARDING. I have no doubt of it. [Laughter.]

Mr. SMITH of Georgia. But I did not take "a night off" there, and I found no difficulty in buying goods there much cheaper than in New York, practically with the tariff off, as compared with prices in New York City. I repeat, however, that I never took "a night off" in Paris.

Mr. HARDING. Mr. President, I want to say to the Senator from Georgia that he is the first American citizen I ever heard make that statement. I will not challenge it.

Mr. LANE. Mr. President, I should like to ask the Senator what year he was over there? I was over there once, and heard there was another American there, and I have been anxious to locate who it was. About what year was that?

Mr. HARDING. Very well; if this is going to be a confession, Mr. President, I will take it up with the Senator from Oregon a little later.

Mr. LANE. I should like to call the Senator's attention to the fact that when I was over there I found that Singer sewing machines, one of which I had bought at my house a short time before for \$100, were selling for \$19.75 retail.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. HARDING. Certainly.

Mr. SMOOT. I want to notify the Senator who just made the statement that that same sewing machine for which he paid \$100 did not cost to make in America more than \$8.72.

Mr. LANE. I had that suspicion at the time, but that was the trust's price.

Mr. HARDING. I am very much delighted and pleased beyond measure to get into this line of discussion if it does not trespass too long upon the time of the Senate. I must get back for a moment to the Senator from Montana, who has added so delightfully to the argument I have in mind. He called attention to the enormous profits of the sheep raisers of his State. If he had called attention to these profits under a protective tariff on wool I should have been stumped to make an answer. But the Senator from Montana is as well aware as I that the enormous profits on the sheep herds of Montana have come under a period of free trade in wool, and there has not been an instance of a lowered price on American wools since the tariff was removed, so that the sheep condition pointed out by the Senator from Montana is very much akin to that of the great

copper producers of his State. They are working enormous fortunes out of conditions which are the reflex of the European war.

I think I will yield no further for this colloquy.

Mr. OVERMAN. I am very much obliged to the Senator from Ohio. I had no idea it would take up so much time.

Mr. HARDING. I do not wish that the digressions and interruptions of the speech shall drive me into the attitude of making a filibuster talk. I have had no such thought in mind. I have been aiming in a very desultory and rambling way to voice my objection to this excess profits tax. Whether he intends it or not, the Senator from Montana, who is momentarily absent, made a suggestion that will enable me to illustrate the particular thought I have in mind. The Senator from Montana made allusion to some copper concern, with its many millions of profit during the past year, and I think he asked me if I was in favor of taxing that corporation.

Mr. President, under the income tax every dollar of those enormous profits must pay their fair proportion of the burden of Federal taxation. I am perfectly frank to say that I for one do not favor a sandbag policy because they have had an extraordinary year. There are a good many lean years in business, Mr. President. The reason why I am voicing my protest to this measure is that it is affecting thousands of corporate and partnership enterprises throughout the country that are unaffected to any notable degree by the extraordinary conditions of to-day. Because they are conducted along lines of success does not justify this policy of sandbagging them to reach a few munition makers and a few who are enjoying extraordinary profits. Yet under this bill we are stepping in with the strong arm of the Government to club legitimate, permanent, normal American enterprises, and I do not think it ought to be the policy of this Government.

Mr. TOWNSEND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. HARDING. Certainly.

Mr. TOWNSEND. I have listened with a good deal of interest to the very able argument of the Senator from Ohio. I was especially attracted by a statement which he made in reference to the growing tendency of the times, and a commendable one, of sharing profits between employers and employees. I want to ask his opinion as to what will be the effect upon that tendency of placing a tax upon surplus earnings.

Mr. HARDING. Mr. President, I am glad the Senator from Michigan asks me the question. My own judgment is that this policy of penalizing success is a blow that will hinder the present American tendency to bring capital and labor into closer relationship and a new state of very necessary mutuality in business. I can understand how it is going to work. It is not any crime for an American citizen to seek to avoid an unjust taxation. I can see how the imposition of this tax is going to revolutionize the salary rolls of American corporations and the salary rolls of American partnerships. How simple it would be. Here is the close corporation, we will say, which is subject to this 8 per cent tax, and it has a pay roll of three or four or five thousand dollars a year. It is the simplest thing in the world in that close corporation to add the equivalent of 15 or 20 per cent of the profits to the salaries, so that the so-called net earnings of the concern will be reduced to a minimum. That, Mr. President, is going to have the very opposite tendency to that which would fit into the more altruistic idea of the Senator from Michigan.

Mr. President, I want to say it now, because I think it is pertinent to this discussion, that there is an American problem second only to the maintenance of American rights and the preservation of our nationality, and that American problem is the solution of the great industrial question. We made an abortive attempt at it here last year, when Congress assumed the wage-fixing authority and the legislative fixing of hours of work for the great carriers in interstate commerce. I do not know what has become of it. I think it is the general impression that that effort has proven a fiasco, and we know there is a protest against the pending legislation which has in mind the compulsory arbitration of industrial disputes. I do not think that our industrial problem can be solved that way. I have yet to hear a practical remedy offered. I think there is none, except to establish mutuality of interest and harmony of endeavor; and you never can establish it in the world except through some voluntary process of a more equitable division of the earnings of great and small enterprises as well. I wish I knew how to contribute to bring that about; but I know, Mr. President, I am not contributing in that direction when by my vote in this body I give assent to a penalty on success.

Mr. President, I believe in success, and I despise the man who cries out against it. In my observations in life I have found that one man's success ought invariably to be made another man's inspiration to succeed; and I have had the experience to know that corporate and partnership success is not founded so much on capital as it is on talent, genius, industry, stick-to-itiveness, ability to do things.

Congress under the name of a war emergency, which does not exist, so far as taxation is concerned, is proposing to adopt this method of penalizing success. For myself and the Commonwealth which sent me here and the thousands of successful institutions which are contributing to the good fortune of that Commonwealth and adding their part to the good fortunes of the American Nation I protest, proclaiming that it is unfair, unjust, impracticable, and revolutionary in that it is class legislation, which has no part in the program of the American Republic.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Lewis	Simmons
Beckham	Fletcher	Lippitt	Smith, Ga.
Borah	Gronna	McCumber	Smith, Md.
Brady	Harding	Martin, Va.	Smoot
Broussard	Hollis	Martine, N. J.	Thomas
Bryan	Hughes	Newlands	Townsend
Catron	Husting	Norris	Vardaman
Chamberlain	James	Oliver	Wadsworth
Chilton	Jones	Overman	Walsh
Clapp	Kenyon	Page	Warren
Clark	Kirby	Penrose	Watson
Culberson	La Follette	Phelan	Weeks
Cummins	Lane	Poinexter	Works
Curtis	Lee, Tenn.	Shafroth	
du Pont	Lee, Md.	Sheppard	

Mr. KIRBY. I desire to announce that my colleague [Mr. Robinson] is absent on official business.

Mr. WALSH. I wish to state that the junior Senator from Delaware [Mr. SAULSBURY] is detained on official business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. CUMMINS. Mr. President, my chief purpose in asking the attention of the Senate is to address the Senate very briefly upon the oleomargarine amendment. I can hardly hope to add to the information that has already been laid before the Senate with regard to the amendment of which I understand the Senator from Alabama [Mr. UNDERWOOD] is the author, but which has been proposed by the Finance Committee. I can, however, record my own view with respect to it.

Before doing so, I feel that I ought to make one or two preliminary observations, or rather recur to one or two incidents in the consideration of this bill. My Democratic friends have endeavored to create the impression throughout the country that the Republican Members of the Senate have been attempting to delay unduly and unreasonably the disposition of the revenue bill. I think the responsibility for the long debates which have ensued ought to be put where it belongs.

The Finance Committee, and I assume I am speaking of the majority of the Finance Committee, is responsible, entirely responsible, for the prolonged debate upon the measure. I do not believe there is a single Republican who has any desire to prevent the levying of such taxes as are necessary to meet the expenditures and exigencies of the Government; but instead of bringing forward a proposal for the levy of taxes, according to an established and accepted principle, a principle upon which we have heretofore increased tremendously the revenue of the Government, the committee has brought forward an extraordinary, inequitable, unjust, and unworkable proposal.

I am not now speaking of the revenue that might be raised through a protective tariff. I do not expect my Democratic friends to propose to the country or to propose to the Senate a system of duties upon imports laid upon the protective plan. It would be too much to expect. They would be false to their traditions if they were to do it. In what I have said it must not be understood that I am criticizing the majority for failure to bring forward a protective system instead of the alleged revenue system which now prevails.

I am speaking of the proposal to levy an 8 per cent tax upon the net income of partnerships and corporations above a certain return upon the capital. Why do not the Democratic majority simply increase the rate of tax upon net incomes? I think we are all in favor of an income tax. There are some defects in the income-tax law of last year, which I will not

pause to point out, but in the main it is founded upon a sound principle, at least from my standpoint, for I am one of those who believe that the revenues of this country, so far as they are not accumulated at the customhouses, ought to be laid upon the wealth, and not upon the consumption, of the country. But, instead of increasing the income tax, which would have had a general and fairly just operation, the entire system is abandoned and it is proposed to levy a tax of 8 per cent upon the net income after paying 8 per cent upon the capital invested in the business, with the \$5,000 deduction.

Was it not obvious—did the members of the Finance Committee not know—that a proposal of that kind would lead to long examination, to great debate? They must have so known, because such a proposal was never before made in the Congress of the United States.

I am not criticizing it because it lays its hand upon the wealth of the country or upon large incomes. I am criticizing it because it lays that hand unequally. It taxes most heavily those who ought to be taxed most lightly and relieves those who ought to bear the greater burden. What justification is there for a law which proposes to lay this immense tax upon the net income of two corporations that, we will take for illustration, are earning the same amount of money, but one of them having a capital of \$200,000, for instance, and the other having no capital at all, or a negligible capital—one corporation earning its income through the service, the genius, the activity of its members or its employees and the other earning its income simply on account of the investment of capital?

I will take two corporations of small capital, because they will better illustrate my point. I hope that before the debate is closed some Senator can be found who will attempt, at least, to justify this extraordinary and, I think, unprecedented suggestion for taxation.

I will assume a corporation with a capital of \$200,000. Somebody has accumulated that capital and has invested it in that business. I will assume that it earns \$40,000 in a year, all net income. From the \$40,000 there will be deducted arbitrarily \$5,000. Then there will be deducted what? Eight per cent upon the \$200,000. That will leave \$19,000 upon which this tax is to fall; that is, upon such a corporation there would be levied a tax of \$1,520.

I will take another corporation—and all that I am saying about the corporation applies with even greater force to the partnership—another corporation, the value of whose capital or property is negligible, and it earns \$40,000 in a year of net income. Under the law there will be deducted from it also the sum of \$5,000, leaving for the operation of this tax \$35,000, the tax upon which will be \$2,800, against the \$1,520 levied against the corporation that has an invested capital large in proportion to the earnings of the company. I know that this phase of the matter has been already commented upon; but I should like to hear, at some time before this debate is closed, some defense of inequality of that kind. On such corporations and on partnerships you are simply levying a tax of 10 per cent, including 2 per cent income tax upon their net income, while with regard to the capitalistic corporations, those which depend for their earning capacity largely upon the amount of capital invested, you are levying nothing until they pay that capital 8 per cent.

Do not let us hear any more the suggestion made by the Senator from Mississippi that we of the minority are endeavoring to relieve munition makers of these taxes. You are giving to the munition makers 8 per cent upon the entire value of their property before you exact a single additional penny of taxation; but you are drawing within the net of this strange system tens of thousands of worthy and deserving men who are utilizing their strength of mind and of body to earn an income. You are taxing them 10 per cent upon that income as against 2 per cent, if you please, upon the capitalistic corporation; that is, if not more than 8 per cent shall be earned.

Is it any wonder that when such a proposal is made, it should awaken the liveliest interest and the strongest protest? It was just as sure to do it as time was to pass; and yet I have heard the most ungenerous and the most unjust criticisms from the other side with regard to our disposition to debate a system of that kind, proposed for the first time in American life.

I pass to another. For 15 years or more it has been the policy of the United States, which had been established after long consideration, to prevent, if possible, the sale of colored oleomargarine as butter. I suppose there is no subject that could be suggested that would give rise to more difference of opinion, more heated and earnest opposition, than the suggestion that that policy should be abandoned; and yet upon a revenue bill it is brought forward as a part of the work of the committee, and the country is asked to pause while we are en-

deavoring to raise a great sum of money in order to meet the public necessities, to debate the problem of butter and oleomargarine. There was no man on the committee so dull, no man who could look forward to the outcome so blindly as not to know that when that proposal was made in the Congress of the United States days would be required for its consideration. I am not just at this moment discussing the merits of the proposition, but under the pretense of raising revenue—and it is a mere pretense, because the Senator from Alabama said that the estimate of the Treasury Department was that it would possibly raise \$3,500,000 a year more than the present law—but under the guise of a revenue measure to meet a great emergency it has been proposed to abandon an industrial policy of the United States established through long discussion, and a policy which nearly every State in the Union has espoused, for there is barely a State—I do not know whether there is any State—that has a dairy interest of any magnitude that has not in some fashion or other attempted to forbid the coloring of oleomargarine so that it would resemble butter. Here is one of the reasons for the delay which has ensued.

I have mentioned these things because it is not fair, it is not just, that the Democratic majority should attempt to stamp upon the minority in the consideration of this bill a disposition to delay debate or to prolong its disposition. If it had not been for the unanimous consent, which I think really originated upon this side of the Chamber, and these two propositions had been debated as is the custom in the Senate, debated according to their importance and according to their far-reaching effect, we would not get a vote upon the revenue measure in three weeks. Instead of any disposition to delay a vote upon the revenue bill we have surrendered what I regard as a most valuable right, namely, the privilege of every Senator expressing in the fullest and completest way his opinions with regard to these two vital proposals.

But that is not all. Instead of limiting this bill to the raising of a revenue sufficient to meet the exigency of this hour or of the next year; instead of limiting it to authority to dispose of all the Panama Canal bonds and \$100,000,000 more of bonds, and of the refunding of \$63,000,000 of debt, already outstanding, we are asked to authorize the Secretary of the Treasury to issue \$500,000,000 additional bonds. I call them "bonds" because the distinction between certificates and bonds is too shadowy for me to grasp. If this bill passes, we shall have given to the Secretary of the Treasury the power to keep outstanding for all time, until we retire them by legislation, \$500,000,000 of certificates, and if he happens to pay some of them through current revenue, he can immediately issue new certificates in order that the amount may always equal \$500,000,000. There is not a suggestion that any part of the \$500,000,000 thus authorized is needed for present necessities; it has not been pointed out that any part of the \$500,000,000 will be required to pay anything which we can now foresee; but, in order that the Secretary might have always at his disposition this vast fund, we give him the right and the power to issue \$500,000,000 of debt, to be extinguished only when Congress shall again act.

I have become numb with this constant demand for discretionary money—\$100,000,000 in this bill for one general purpose, a Mexican situation in part; \$500,000,000 for no purpose at all; and the naval bill, which was under consideration this morning, proposes to give the President \$115,000,000 more, to be used at his discretion in the execution of contracts for armament. The joint resolution which I understand is now before the Committee on Foreign Relations of the Senate proposes to give the President \$100,000,000 more to be used according to his view of the public needs. When will it stop? How soon will Congress refuse to abdicate its functions and appropriate money only for specific purposes, the need of which Congress may apprehend and understand?

So far as I am concerned, I rebel against the constant encroachment of the Executive power—and I am not now speaking, of course, of any one President—upon legislative authority. We might apparently just as well attempt to put all the property of this country at the disposal of the President, leaving him to levy such taxes as may seem fit to him, for such purposes as he may think are for the public welfare. I am every day astonished at the rapidity of the advance we are making toward the complete surrender of legislative functions.

I have called attention to these things because I believe this bill is subject to this criticism. I believe that it is bad all the way through. There is not a man in the Senate who will more gladly vote for the taxes necessary to fill the Treasury with the funds that are required for the national defense than I; but I protest against new, untried, unworkable systems. I say "unworkable." I think it has been mentioned before, but I put the question now to my Democratic friends, How long do you think

it will be before you can establish the basis necessary to levy the 8 per cent tax upon net incomes above 8 per cent dividends? I venture to say that you can not do it with any justice in 10 years.

Three years ago we gave to the Interstate Commerce Commission the authority, and the direction also, to enter upon the work of valuing the railroad property of the United States. We have appropriated millions upon millions of dollars in order to enable them to carry on that work. The commission has a vast force to carry it on, and very properly so—I have no criticism upon it whatever—but it is estimated, as I understand, that it can not be completed within the next three years. Does the majority take the view, as I do, that it will be necessary for the Commissioner of Internal Revenue or the Secretary of the Treasury to value every railroad in this country in order to ascertain whether the railroads must pay the 8 per cent additional tax? I do not know whether it is the purpose of the majority to have that done; but I assert that it must be done before the system can be laid even upon the railway property in the land. Let us see for a moment. Section 201 provides:

That in addition to the taxes now under existing laws there shall be levied, assessed, collected—

And so forth—

a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 plus (b) 8 per cent of the actual capital invested.

We come then to section 202, which defines the term "actual capital invested," and it is there declared that it means:

(1) Actual cash paid in.

I wish the chairman of the committee, a very distinguished Senator, and I think entirely devoted to the public good, had inquired of the Interstate Commerce Commission and ascertained how that body was progressing with the work of discovering the actual cash paid in to the various railway corporations of the land. That is one of the elements provided in the law of 1913 which the commission was charged to discover, and it has been very diligent in that attempt, but its success has not been gratifying to those who believe that "actual cash paid in" does constitute a very important element in valuing the property.

The bill proceeds:

(2) The actual cash value of assets other than cash at the time such assets were transferred to the corporation or partnership.

Mr. President, that involves the valuation of all the corporate property of the United States, including the railways. I can not say accurately how many corporations will come under this proposed law, but there are 100,000 corporations, at least, which will fall, or may fall, under its operation. I should like to know whether it is contemplated that the Secretary of the Treasury shall undertake the task of valuing and ascertaining the cash value of the thousands of corporations which will be called upon to pay the tax and the thousands of partnerships which will also come within the scope of the law. Tell me, if you please, how long it would take the Secretary of the Treasury to ascertain the cash value of the property of the United States Steel Corporation. If the Secretary were given all the help that an appropriation could furnish him, he could not ascertain the value of that property in three years. How long would it take the Secretary of the Treasury to ascertain the cash value of the property of the Standard Oil Co.? I might recite thousands of other corporations that are very large, but not so large as these.

Mr. President, a plan of that kind simply keeps the word of promise to the ear and breaks it to the hope. I assume the majority of the committee did not consider that phase of the problem; but it must be considered before any revenue can be derived from this source. I had hoped for something better, but the hope is almost gone now, and the Senator from Minnesota [Mr. CLAPP] suggests I ought not even to waste a hope on it; and probably he is correct, for it seems to me that everybody has gone crazy but myself. [Laughter.] I do not see why a proposal of this sort does not excite universal indignation. I can not understand it. When it was so easy to raise this money in an undisputed way, in a fair and equitable way, we resort to a system of this kind, that will either turn to ashes in the day of its victory or will be administered through an arbitrary will that has no power above it to correct or restrict it.

I felt, Mr. President, that I could not say less than I have said with regard to the measure as a whole. I regret more than I can express that I am unable to vote for a measure that is intended to make the Government strong to resist any attack that may be made upon it. I feel, like all other loyal Americans, that we ought to stand foursquare to the world to defend ourselves wherever we are unjustly assailed; but, with that keen and overwhelming desire, I can not bring myself to vote for a system such as I have described.

I come now, Mr. President, to say a few words about the so-called oleomargarine amendment. I have already alluded to the circumstances under which it was brought forward, and which, I think, ought to have prevented its appearance in this body at this time and in such a bill. As to its merit, the Senator from Alabama [Mr. UNDERWOOD], in discussing it, was careful to say that popular opinion was sweeping strongly in favor of the amendment. He reminded those of us who live in agricultural States that are in part given over to the production of butter—I think he said a very large majority, although he may have said 75 per cent or 90 per cent, of the people were in favor of the amendment. I thought he intended to convey delicately the thought that if we did not vote for the amendment we might be overwhelmed by those who are interested in some way in promoting the manufacture of oleomargarine.

I think there are more people in my State who are consumers of butter than there are who produce butter. I think there are probably more people engaged in cattle raising generally than are engaged in the dairy industry. That makes no difference with me. There must be a right or a wrong about this matter, and I have confidence enough in the people of my country to believe that they can appreciate right and wrong. I do not believe that the people of my State always vote in accordance with their financial or pecuniary interests. I have enough confidence in them to believe that they are willing to do what they believe to be right, even if it is opposed to their immediate profit. There must be in this amendment some right or wrong. Those who propose it may not so intend it; but, after all, they are proposing it because, if it is adopted, it will enable those who sell oleomargarine to sell it for a higher price than they can now secure.

How the man or the woman who is consuming oleomargarine can be benefited by a policy which will advance the price of oleomargarine I do not know. It is utterly impossible for it to compete with butter except in so far as, through a bill of this sort, it becomes possible to delude and deceive the people who consume it into the belief that it is butter. So long as it is distinguished from butter it will never affect the price of butter, and the only effect of this amendment, if it were adopted, would be to increase the price of oleomargarine for one of two reasons: Either because a man, knowing the substance that he was eating to be oleomargarine, would rather eat yellow oleomargarine than white, or because he did not know that it was oleomargarine. One of the two reasons must be applicable to every phase of this controversy.

Now, let us see what the right or wrong of it really is from my standpoint. It has been a long time since butter was discovered; I will not pretend to say how long. We have traced this matter from the days of Abraham to the present moment. I have no reason to believe that they did not have butter before Abraham's time. I am not especially well informed about those ancient days, but I have an idea that they had butter before that time. During all the course of these years, somehow or other, butter has become associated inseparably in the minds of the people with a yellow color. The Senator from New York [Mr. WADSWORTH] said the other day, and I think he said truly, that there are times of the year when, if the dairyman is not particularly careful about the feed that he furnishes his cows, the butter will be substantially white. I think that is true; but, notwithstanding all of that, the world over, butter is associated with the yellow color, because during much the greater part of the year butter is naturally some shade of yellow. I think butter has appropriated that color. I think it is just as sacred to butter as a trade-mark is to the man who establishes and becomes its owner according to the laws of the land.

Something like 40 years ago an ingenious Frenchman invented or discovered the process of making oleomargarine, and he secured a patent upon it. I am not going to weary the Senate with any learned description of the art of making oleomargarine. I have heard a great deal said about it, and I think there has been more misinformation put before the Senate about oleomargarine during the progress of the debate than I have ever heard poured out on any given subject. I am afraid to say much about it myself, lest I shall fall into the same category; but I do know something about it, for it happens that about 25 or 30 years ago I was engaged in litigation which concerned the original patent that was issued for the process of making oleomargarine, and as it had subsequently been developed in this country; but that is neither here nor there. I am going to assume that there is a great deal of good butter and some bad butter in the market, and I intend to assume that oleomargarine is a healthful product and will serve as a fair substitute for the article that we call butter. I am not convinced that oleomargarine is unhealthful. I think that a man

of common strength and in fairly good health can eat oleomargarine with perfect impunity, and he will find it a sustaining and nutritious article of food.

No matter whether butter is good or bad or indifferent, there are some people who would rather have butter than oleomargarine; and when they come to buy their butter or eat their butter they look for a yellow substance, and when they see it they assume that it is butter. The Frenchman of whom I have spoken, and his successors in America, knowing that this color has been and is inseparably connected with the article known as butter, came to the conclusion that in order to market the product, in order to command the best price possible for it, they must color it so that it would be accepted everywhere as butter. In so doing, I think they committed a fraud. In so doing, I think their whole policy ought to fall under condemnation. I told the oleomargarine makers some 30 years ago, in the matter to which I have already briefly alluded, that they ought to abandon any such effort; that they ought to unite and establish a color for oleomargarine; that if they thought the people would not accept the natural color of the article then they ought to take an artificial color for it and gradually establish it in the public mind, and gradually attach it to the public taste. If they had done so, this great controversy which has raged from one end of the country to the other never would have taken place. I think I suggested that they might very well take pink as a suitable color for oleomargarine. Now, in those days ice cream was yellow, but in these days pink ice cream is just as fashionable and just as well received as yellow ice cream. Why could not the oleomargarine people have done the same thing? Every color except yellow was at their disposal, but they chose the yellow because they thought they could accomplish a fraud upon those who ate the substitute as well as upon those who dealt in it commercially.

Now, it makes no difference whether the coloring of oleomargarine is for the purpose of deceiving the people who eat it or whether it is for the purpose of recommending it to the taste of those who eat it; it is equally a fraudulent practice. If it is for the purpose of deceiving those who either buy or consume it, it is plainly a deception and a fraud. If it is to recommend it to the educated taste of the people of the country, then in so coloring it they are taking away from butter an advantage to which it is in morals, and I think in law, entitled.

For these reasons, Mr. President, I am opposed to the change in the law with regard to this article. I do not think there ought to be any tax levied upon oleomargarine. I do not think there ought to be any tax levied upon butter. There ought to be no imposition laid upon any article necessary for the sustenance of the people if the revenues can be found elsewhere. If I had my way, I would make it a criminal offense, with heavy penalties, for any manufacturer or any dealer in oleomargarine to give it any artificial color resembling butter. I would allow the manufacturer or producer of oleomargarine to color it, if he pleased, to his heart's content, provided he did not color it some shade of yellow that would give those to whom it was offered as food reason to believe that he or she was about to eat butter. Of course, when I say I would give him the right to use any color within the limits of the rainbow, I do not mean that he should be privileged to use any coloring matter that would make it destructive of health or life.

Mr. LANE. The Senator would not let the manufacturer make it purple, or blue, or anything like that?

Mr. CUMMINS. Well, Mr. President, I am not sufficiently familiar with the various colors to know what can be taken and used without injury, and so I can not answer that question. For the last few years I have been eating various confectionery decoctions at dinners that I have had the pleasure of attending, and I have found pink ice cream and brown ice cream and green ice cream, and I do not know whether I have had purple ice cream or not; but I do not remember any color that I have not seen put before me, unless it be purple, and I am not sure about that.

But to be entirely serious, Mr. President, the oleomargarine makers of this country ought to reform themselves and assume an honest basis. They have a product which may or may not be good. I am not going to put my opinion against that of so distinguished a scientist as my friend from Oregon, Mr. LANE. When he says that there are cells in oleomargarine that are hard to break down, and that may overcome the fellow who tries to break them down, why, I have no disposition to contradict him. But whether it is good or bad, I do not want it to be put upon the market so that it can be misunderstood at all, and I am not in favor of laying any tax whatsoever on it, but I insist, for the protection of the consumer as well as for the preservation of common, good faith in the business and

industry of the country that oleomargarine makers shall avoid the yellow color.

There is one very remarkable thing about this amendment which, I think, has not yet been called to the attention of the Senate—at least, I have not heard it—and I should like to read it in the presence of so just a man and so intelligent a critic as the Senator from Georgia [Mr. SMITH], who is a member of the committee.

Mr. LANE. Mr. President, if the Senator will permit me to interrupt him, would he object to the process of churning this concoction in milk so that it not only looks like butter, but tastes like butter made of good, fresh milk? And then, in addition, the better kinds of it are loaded with a certain amount of process butter itself in order to lubricate it for the purpose of getting it into one's stomach. Would he object to that? Does he not think that is as great a fraud as coloring it yellow?

Mr. CUMMINS. Mr. President, that presents a subject that I have not carefully considered.

Mr. LANE. Well, all right.

Mr. CUMMINS. All that I insist upon is that there shall be no fraudulent deception of the public. The Senator from Alabama [Mr. UNDERWOOD] very carefully laid before the Senate the provisions of the bill with regard to marking, which he claimed to be an adequate protection, and which he insisted would sufficiently guard the consumer against deception. As I remember, he did not read this provision. The provision I am about to read follows the first part of section 500, which provides for the name, and for the tax of 2 cents a pound, and for the penalty for breaking or interfering with the Government stamps that are put upon the packages. It then proceeds:

Provided, That margarine may be packed in any form required and removed from the place of manufacture under such regulations as are now or may hereafter be prescribed for export to foreign countries, or for consumption upon vessels plying between ports of the United States and those of foreign countries, or for the use of the United States Government, without the payment of tax thereon or affixing stamps thereto.

Section 501 then continues:

SEC. 501. All margarine shall be packed by the manufacturers thereof in separate sanitary "manufacturers' original packages" of one-fourth, one-half, 1, 2, 3, 5, or 10 pounds each, except as provided in section 400 of this act.

What I have read, Mr. President, means this: That manufacturers of margarine can prepare it for export without marking it at all, coloring it as they please. How long do you think we would maintain a market for our butter abroad if manufacturers of margarine were permitted to export from the United States a substance that could not be detected from butter without a chemical analysis? Our reputation is none too good now in foreign markets with regard to these things; and when we give to our manufacturers of an article like this, which is condemned in every foreign country, I think, the privilege of exporting it without even marking the packages with the name of the article, we will have destroyed what little respect we have retained abroad. Moreover, it can be put up without marking and sold to all vessels plying between ports of the United States and those of foreign countries. What motive is there for this? Why are not the men who work upon these vessels and the people who travel upon them entitled to just as much protection as our people who live upon the land in the United States? Will the Senate license our shipowners to impose upon the crews and the people who travel in this remarkable way?

Mr. CLAPP. Mr. President—

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. CLAPP. The Senator has introduced here a suggestion that, so far as I have heard the debate, has not been made yet, and I think it most important, and that is the effect upon our foreign butter trade of allowing oleomargarine colored in imitation of butter to go abroad.

There was a time when the butter of Denmark was known the world over, and had a market throughout the world. A few years ago I was reading about the wonderful decrease in the demand for the butter of Denmark, due to the fact that the makers of butter there had permitted the quality to fall below the standard of what it formerly was; and I think the very suggestion which the Senator has recently made is one of the most vital that has been made in the course of this discussion.

Mr. CUMMINS. I am very much obliged to the Senator for the suggestion, recalling an incident with which I was not, and am not, familiar. But the effect of permitting a fraud and a piracy of this character can be easily foretold. Further, oleomargarine may be put up without marking, and of course without stamps, and sold to the Government of the United States for the consumption of our Army and our Navy. Just at a time when we are preparing for defense against the world, when we are offering every reasonable inducement for enlistments in the Army and Navy, we are passing a law which contemplates that

in the guise of butter we intend to feed our Army upon oleomargarine. For myself, I think the soldier in the trenches is just as much entitled to know at least whether he is eating oleomargarine or butter as is the millionaire who sits at his princely table. I am not willing to make any such discrimination as is made in this bill, even though I thought that under any circumstances margarine should be painted a yellow color.

Why, gold is yellow. It is of all shades of yellow. There are no two gold mines that produce gold of the same color. We coin gold into money. What would you think if it were proposed to take silver and make it of the same size as a gold coin, leaving, however, the inscription upon it which we now require, and allow the mints to gild it, in order that it may bear the appearance of gold, and so deceive the unwary?

Mr. President, I have concluded what I have to say with regard to this particular subject. I have an amendment to the bill, or to a committee amendment which we have passed over, and which, when the time comes, I shall present. I have another amendment with regard to the tariff which, when the time comes, I shall present, with a brief argument in its behalf. I close what I have to say, again expressing my sincere regret that in a measure which is intended to accomplish great objects in which every American citizen has an equal interest, which is intended to provide the funds with which to prepare an adequate defense, we have before us a bill so full of inequity and injustice that I find it impossible to bring myself to its support.

Mr. WADSWORTH. Mr. President, I do not intend to address the Senate upon the pending amendment, which has been discussed so thoroughly by other Senators upon the floor and has just been commented upon by the Senator from Iowa. I intend to offer a few suggestions and comments on other portions of the revenue bill, and in doing so I am perfectly cognizant of the fact that I have not an all-comprehensive knowledge of the art or science of taxation, nor am I completely familiar with all the history of taxation imposed by the Federal Government or by the governments of the States.

In spite, however, of my comparative ignorance of this most difficult problem, which has taxed the ingenuity of governments and peoples since nations began to exist, I make bold to suggest that there is one feature of this revenue bill which is unique in the history of tax legislation in this country. It occurs in the very first section of the bill.

Sensors will observe that a special preparedness fund is created by this act and set aside for the purpose, first, of supporting the Army; second, supporting the Navy; and third, to defray the expenses of erecting fortifications along our seacoast. The bill provides that the money which shall be contributed to this fund shall be derived, first, from operation of Title II of the bill, which is the excess profits tax; second, from the operation of Title III of the bill, which is the increased inheritance tax; and third, by the contribution of \$175,000,000 per year from the proceeds of the revenue act which the Congress enacted last September, signed, I believe, September 8, 1916.

It will be further observed that the bill indicates that this \$175,000,000 which is to be contributed by the revenue act of last autumn represents an estimate of the increased amount brought into the Federal Treasury by the act of last September as compared with the laws which were on the statute books prior to that enactment.

If we look back to that law of last September and endeavor to ascertain from what chapters of that law the increase of \$175,000,000 annually was obtained, we are forced to the conclusion that that increase of \$175,000,000 is derived from the imposition of the inheritance tax, which was new at that time; also from the imposition of the so-called munitions tax, which was new at that time; also from the imposition of the tax on the capital stock of corporations, which was new at that time so far as Federal taxation is concerned; and also from the doubling of the normal income-tax rate, and the raising of the rates of the surtax upon large incomes.

So, Mr. President, it will be found that for the first time, I believe, in the history of the Government special taxes are assessed upon a comparatively small group of people for the support of the Army and the Navy. It was estimated at the time we were debating the revenue bill of last year that it would not apply to much more than one-half of 1 per cent of the total population of the United States. I may say, in passing, sir, that it was not intended to apply to more than one-half of 1 per cent of the people if it could be avoided by the Democratic Party.

The revenue bill of last summer, however, did not go so far as to say that the money collected from one-half of 1 per cent of the people should be used for a specific purpose and that purpose alone; but this bill proceeds to say, in effect, that the one-half of 1 per cent of the people who are taxed under the

law of last summer and who will be taxed under this bill—and there will be no material increase in the number of individuals who will carry this burden—must contribute most of the support of the Army and the Navy during the rest of this administration.

I believe I am correct in saying that this is the first time in our history when the burden of the defense of the country is to be imposed intentionally, and, I may say with malice aforethought, upon a small fraction of the population. I may be somewhat old-fashioned in my ideas as to the functions of an Army and the functions of a Navy supported out of the Treasury of a great Nation. I have always understood that the Army and the Navy were supported and operated for the purpose of protecting all the people, whether they be rich or poor, proud or humble. I have labored under a delusion, apparently, that it was the duty of every citizen of the United States, with suitable exemptions and adjustments by which our tax laws shall be made scientific and bearable, to do his share in the defense of his country. I have believed that this was a democracy. Apparently the Democratic Party does not believe that this is good doctrine, for under this bill they specifically provide that 99½ per cent of the people shall not be called upon to contribute to the support of the Army and the Navy, if it can be avoided. I think it is unique in the history of all democracies that a great political party should come before the legislative branch and before the people and assert that as their doctrine and their last and presumably best thought upon the theory of taxation in a democracy.

I am perfectly well aware, Mr. President, that there are many Senators upon the other side and many Members of the House of Representatives on the majority side who take little or no interest in the Army or the Navy. I am well aware also that a school of thought has arisen in this country in recent years, and that furthermore it is making its voice heard throughout the land to-day in the presence of this great crisis. It seeks to teach the people of the United States that they owe no support to their Army or their Navy, that the mere existence of any such agencies of government is an evidence of barbarism.

I have had it impressed upon me pretty strongly in the last few days that this agitation is spreading, this agitation which attempts to place the defensive forces of the United States in the position of outlaws, this agitation which is attempting to prevent and persuade our young men from enlisting in any military force organized for the defense of the country. I assert with all solemnity that this very bill provides encouragement for just that kind of agitation, for it in effect makes the Army and the Navy the special concern of a small class of people and attempts to exempt the great mass of the people from any responsibility whatever in aiding in their support.

I say I have had these things brought to my attention with a good deal of emphasis quite recently. Not many days ago, Mr. President, I was called upon in my office in the Senate Office Building by a delegation of citizens, some 150 or 200 in number, who came to Washington to utter their protest against the Government of the United States using force to protect the lives and the property of Americans. Several of them made addresses in my presence and fully expounded their views. One of them suggested that there was no such thing as an American, that it was merely a term that had no meaning whatsoever, and that the life or the property of a citizen of this country was of no more concern to the other inhabitants of the country than the life or the property of a Turk or a Bulgarian. Another suggested that the word "patriotism" was misleading, that it had been used through centuries to cloak terrible crimes. Another insisted that under no circumstances whatsoever should any dispute be settled by force. Another suggested that there was no such thing as a just war, and that even the greatest war waged by the United States was a regrettable incident.

I describe these addresses made to me, Mr. President, to emphasize, if I can, the character of the agitation that is going on and which, if continued with any degree of success, will Chinify this people of ours. I am not sure that this agitation will succeed at once, but every Senator upon this floor knows that it is dinning into our ears pretty nearly every day. When I see this bill, which, as I said before, provides in an indirect method, but by no means an ineffective method, ammunition for just that kind of agitation, I confess that, as an American, I am distressed. I can not understand how Senators on the other side can, with due deliberation and with a full knowledge of the effect of this tax, insist that the Army and the Navy of the United States shall be supported financially by carefully selecting a few out of the 100,000,000 of people.

Will some Senator on the other side tell me why the tax collected from the liquor business should not contribute its full share to the support of the Army and the Navy, and why the

tax collected from the tobacco business should not contribute its share? Why is it that one-half of 1 per cent of the people are decreed or are to be decreed by statute as the people who will be responsible for the financial support of the defense of the United States?

The chairman of the Committee on Finance in one of his speeches here one or two days ago indicated very clearly one view of the Democratic majority upon this question; for he said in effect that this bill was calculated to impose taxes upon that portion of our people who were most anxious for the increase of the Navy and the maintenance of an adequate Army. In other words, Mr. President, if an American citizen believes that the Navy should be increased and that the Army should be modernized and made adequate, the Democratic Party says "All right, but we will make you pay for it." The same view was expressed by the Democratic leader of the House of Representatives when he indicated very clearly that under the operation of this proposed tax law the money would be collected principally from those communities in the United States which have been asking for protective measures against foreign invasion or attack.

Could any system or doctrine be more un-American than that? I am astounded that the leader of a great party in either House should ever endeavor to set up the principle that we Americans, all of us, whether we live in Wyoming or New York, whether we live in Minnesota or Florida, have not an equal interest in the defense of the country. Yet that is exactly what the leaders of the Democratic Party have indicated upon this floor and upon the floor of the House of Representatives.

Mr. President, the Army and the Navy are not local institutions; they are national; and everything that is done by the Congress with respect to the Army and the Navy, their management, their recruitment, the selection of their officers, and their financial support, should be done in a national spirit instead of in a provincial spirit. I regret exceedingly that this provincial spirit with respect to the defenses of the United States should crop out in the Congress and be reflected in the bill which the Democratic Senators have caucused upon, which they intend to pass, regardless of any criticism or suggestion whatsoever.

Mr. President, our system of national defense is none too democratic. For over 100 years we have relied apparently upon a theory or principle, if we may grace it with such a definition, that the armies and the navies shall be recruited for the defense of the country from those who are willing to defend the country, and from no one else. Incident to that undemocratic theory, which is the present difficulty under which we are struggling in an endeavor to form and maintain an adequate Army and Navy, witness the slackness in the recruiting. Add to that unjust and inefficient method of recruiting the defensive forces of the United States the Democratic Party coming along and making it worse by deliberately enacting into law a provision which says, in effect, "only a few of you will be called upon to support the Army and the Navy financially."

In one of the greatest crises that ever confronted the people of the United States the Democratic Party absolutely throws democracy out of the window. Selection is what they stand for, selection of some people to bear the burden; and then they blindly trust that some other people may be willing to come forward and shoulder the muskets. The combination of the two, in my humble judgment, particularly at this stage in our history as a Nation, is lamentable.

Mr. President, so much for the first section of this bill, which I regard as the most vital part of it. A good deal has been said upon the floor, particularly by Senators on the Democratic side, to the effect that it was their intention so long as they remained in power to tax the wealth of the country. I have listened to those declarations a good many times, and I have yet to see a law placed upon the statute books by our Democratic brethren which really taxes the wealth of the United States. As a matter of fact, none of the laws which are now upon the statute books tax the wealth of the country. They merely tax certain forms or manifestations of wealth; and it has been the consistent policy of the majority to carefully hand pick those forms or manifestations of wealth and make them bear the burden.

I know very well that a person who represents or attempts to represent in part the State of New York will get very little hearing from the present majority in the Senate or, in fact, in the House, and I do not intend to enlarge into a discussion of the effect of this tax imposed upon the people of the State which I in part represent. Suffice it to observe in passing that two years ago the citizens of the State of New York paid approximately 38 per cent of all the money collected into the Federal Treasury under the individual income tax and the corporation income tax. That was before the normal income tax

and the surtax had been raised by last year's act. That was before the inheritance tax was placed on the statute books, and necessarily that estimate was made before this proposed excess profits tax was decided upon. I apprehend, Mr. President, that before these gentlemen get through the State of New York will pay very nearly 50 per cent of all the money covered into the Treasury of the United States through the income tax, the excess profits tax, the capital-stock tax, and the inheritance tax.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from New York yield to the Senator from Ohio?

Mr. WADSWORTH. I yield for a question.

Mr. POMERENE. In making that statement, does the Senator from New York take into consideration the fact that much of the property owned by residents of New York, and their investments, are in the States of Ohio, Indiana, Illinois, and every other State in the Union?

Mr. WADSWORTH. I understand that perfectly, Mr. President.

Mr. POMERENE. Then, does it impress the Senator from New York that it is a fair statement?

Mr. WADSWORTH. I had not completed my statement.

Mr. POMERENE. Well, I do not care to interfere with the course of the Senator's argument, but it seems to me that if a large part of this property which earns and which pays this tax is invested in other States, it is hardly fair to say that 38 per cent of that tax raised under the income-tax law is payable by residents of New York.

I have very distinctly in mind this situation: Several years ago, when we changed our tax laws in Ohio, quite a number of very wealthy gentlemen, and ladies as well, left Cleveland and other portions of that State to escape that tax, and took up their residence in New York. Now, if the good people of New York will send those people back to Ohio, it may in part equalize the tax which is paid by the several States.

Mr. WADSWORTH. The Senator from Ohio would evidently like an extradition law applicable to tax dodgers, and I am somewhat in sympathy with him in that regard. It may be related in passing, however, that the State of New York, and particularly the city of New York, at this time have reached that condition where they are commencing to drive people out of that State and that city on account of the desperate endeavor to get revenue for the localities—for the very reason that the Federal Government is invading the sources which up to this time have been relied upon by the States to support their institutions. I was not contending, and had not intended to contend, that all the money collected in the State of New York was paid by its citizens. If I created that impression, I did not intend to do so. I have contended, however, and shall contend, that these taxes are calculated to teach millions and millions of people that they owe no responsibility to the Government and are also intended, in so far as it can be brought about by carefully contrived legislation, to bring about a state of affairs in which great constituencies represented upon this floor escape almost entirely. Otherwise, you would not find in the capital-stock tax an exemption of \$99,000; otherwise, you would not find in the inheritance tax an exemption of \$50,000; otherwise, you would not find in the individual income tax an exemption of \$3,000.

I voted upon this floor last summer to lower the taxable income under the income tax to \$2,000 pursuant to an amendment offered by the Senator from Alabama [Mr. UNDERWOOD] in order that more citizens of the United States should come to understand that they owe some responsibility in contributing to the support of the Government; but the Senator from Alabama got very little encouragement in the roll call on that proposition from Senators upon the Democratic side of the Chamber.

I know it is perfectly human to so contrive laws that one's constituents are affected very lightly; but some day, somewhere, Mr. President, there must be a protest against the situation, which, as the Senator from Ohio [Mr. HARDING] has said, is dividing the people of the United States into classes and sections, a tendency which has already reached that extent where the Army and Navy are put off to one side and a particular class of people are called upon to support them.

Much has been said, as I have already indicated, about the taxation of wealth. This bill provides some food for thought, if nothing else. Speaking of taxing wealth, I should like to call the attention of the Senators to that provision of the bill which seeks to place a tax upon the excess profits of partnerships. We may find ourselves in some rather peculiar difficulties and in some inconsistencies with respect to that feature of the tax. I can not myself believe that the gentlemen upon the other side, who have been responsible for the framing of this legislation—if, indeed, it did originate in the Senate at all or in the other House—have thought over some of the effects which will result

from this proposed tax upon the excess profits of partnerships. The Senator from Massachusetts [Mr. WEEKS] made some very intelligent observations upon that feature of the bill. He did it in a way which I can not approach in excellence; he did it in a manner which showed his complete knowledge and familiarity with the business life of the United States—a knowledge and familiarity, Mr. President, that, I venture to say with all respect, the Democratic Party does not possess.

The tendency of the day is toward combinations between men in order the better to carry out their designs, whether it be in politics, whether it be in business, or whether it be in agriculture. As the Senator from Ohio has said, there is nothing intrinsically wicked or venomous in the formation of a corporation, and there can be no justification for the imposition of a tax upon the corporation holding the same sort of property that an individual may hold and at the same time absolve the individual from that same tax; nor can there be any justification for the imposition of a tax upon a partnership, and thereby punish two men or three men for joining their fortunes and endeavoring to be more successful, while the individual right next door, who owns just as much property and who does just as much business as do the three partners combined, escapes.

I look for the day when this sort of cooperation and organization will become entirely familiar and prevalent in agriculture. We hear much in these days about the necessity for organizing the food supplies of the country. We know down in the bottom of our hearts that something of that sort is necessary; that our present haphazard system of supplying the people of the congested cities with food occasionally breaks down with very regrettable results, largely on account of the fact, Mr. President, that there is no cooperation or organized system used in the marketing of food products. A way has already been pointed by the farmers in some portions of the country, notably in California, and in some instances in the Northwest, whereby great success has been attained in the marketing of the products of those regions, so that the consumer receives the product quickly and with reasonable cheapness, and the producer receives a fair price for the product that he sells. That is done through cooperation; through dozens of men entering into partnership. As I read this bill, they are to be punished for doing it; they are to be taxed; and the party in power proposes, through the operation of this kind of legislation, to place the taxing power of the Government as an obstacle in the path of that kind of progress.

I do not pretend, of course, to know the alpha and omega of agriculture and of all the development which is going on in that basic industry, but I can bring to my mind and to the attention of Senators who are sufficiently interested to listen some rather remarkable examples of what will happen under this proposed tax law. I know three young men who operate a considerable-sized farm near where I live. They work from morning until night. They are amongst the best farmers I have ever known and amongst the most public-spirited and patriotic young men I have ever known. They perform their obligations to the community in a civil and political way, and they attend to their business with industry and enterprise. No one of the three has an income in excess of \$3,000 a year, and, therefore, no one of the three pays any income tax, but with a reasonably good year upon their farm they will make together considerably more than \$5,000, and with a bumper crop and with extra good luck and hard work they will be subject to the tax under this bill. My own place is but 1 mile away, and with equal luck and with equal industry, if I can ever command it, I might be able to make as much for myself on my farm as they make on theirs, but I will be exempt, because I am an individual, while those three young men will be taxed because they are in partnership. Can there be any justification for any such system of taxation as that?

I can call to mind many, many instances of that kind. The same thing is true, I have no doubt, in the State of Illinois, where creamery companies have been organized by the joining together of a number of men of moderate means, who thus far have escaped the long arm of the Federal Government in its ceaseless search to get money out of the pockets of some selected group of people; but the instant they organize, the instant they become partners; the instant they attempt to progress and to do something to make agriculture more stable, to do something to standardize their products, then they come under the jurisdiction of this law in the event that they succeed in their efforts to the extent of making more than 8 per cent in any one year.

I believe there would be more justice in this tax if it provided that an excess profits tax should be levied upon profits which over a term of years have averaged more than 8 per cent; every man in business has his ups and downs, whether

he be a partner in a manufacturing concern or whether he be a partner in a farming concern, and the same thing is true of corporations. I have known many men in my business life who for two or three or four years at a time have made next to nothing, struggling along, trying to build up a business, carrying a heavy mortgage upon their property, whether it be a factory or a farm. Finally the golden day arrives; good luck has attended their efforts; their industry is rewarded; and they have an eminently successful year. Instantly the Federal Government takes some of their earnings away from them under this proposed statute, no account being had of the long years of drudgery and misery that have led up to that one prosperous period.

I have known of farmers in Kansas who have sold out their farms there, moved down into the Panhandle of Texas, bought land, and paid for it. Two of them, partners, went there together and struggled along in that semiarid region for year after year, building up a little herd of cattle by selective breeding, improving its quality, getting their brand well known in the community and in the cattle trade, planting and harvesting crops, suffering losses year after year, hanging on with their teeth, as it were—pioneers, breaking into new country—and when they finally reach the point where they can sell their cattle and their crops upon the market at a price that will bring them a remunerative return, at a price which will bring them 8 per cent upon their capitalization, they are called upon to contribute to the Government from their earnings under this proposed law. How the Treasury Department is ever going to determine what their capitalization is passes my comprehension, for under the terms of this bill their capitalization must be based upon the value of the property when it was put into the business. However, when they have reached that point the Government of the United States says, "I want some of your profits." Directly bordering upon the two or three sections of land owned by these men that I have in mind there is a private owner with thousands of acres who will not pay a cent under this bill. Yet, we are told that this bill is designed to tax the wealth of the United States. As a matter of fact, Mr. President, it will not tax many people. It is not intended to tax many people. The Democratic Party does not believe in spreading taxation over many of the people of the United States. It prefers, rather, to select a few to bear the burden and to teach the rest that they owe no obligation; but this bill, Mr. President, in its partnership provision, will tax very heavily men and women of very moderate means, who should not be called upon to contribute out of their occasional profits money for the support of the Army and the Navy when their neighbors are not called upon to contribute under any Federal tax law.

Mr. President, I am entirely aware that protests directed against this bill, against its undemocratic and unpatriotic spirit, are of no avail. I know perfectly well that some time during Wednesday night the bill will pass, but I regret that the day has come in the Congress of the United States when the defense of this country is to be imposed by statute upon a few of its citizens.

Mr. CURTIS. Mr. President, I had intended to submit some remarks on the oleomargarine amendment, which has been incorporated in the bill by the committee; but the hour is growing late, and, I understand, Senators desire to take a recess. I will therefore ask to have printed in the Record, as part of my remarks, a letter which fully covers the question.

The PRESIDING OFFICER. Without objection, the letter will be printed in the Record.

The letter referred to is as follows:

TOPEKA, KANS., February 14, 1917.

HON. CHARLES CURTIS, United States Senator,
Washington, D. C.

DEAR SENATOR: We take the liberty of confirming a wire we sent you to-day, as follows:

"We appeal to you to investigate and to oppose Senator UNDERWOOD's amendment to revenue bill to tax oleomargarine 2 cents per pound and permit coloring of same. Please protect valuable dairy industry of Kansas. More oleomargarine manufactured last year than ever before. Permission to color yellow like butter will have tendency to fraud in its sale and will moreover increase cost of living."

There has appeared in the press of late a few articles clamoring for the removal of the tax on oleomargarine. We would infer from these articles that the writers thereof are not informed as to the object of placing a tax on oleomargarine or by parties interested in the oleomargarine business.

As you are well aware, the tax on oleomargarine was placed on same by Congress for the purpose of protecting the consuming public from fraud and deception in the purchasing of butter or oleomargarine. The present law in the United States places a tax of 10 cents per pound on oleomargarine when it is colored to imitate butter. It is taxed only one-fourth of 1 cent per pound when it is put up and sold in its natural color, which is white or very light yellow. This one-fourth of 1 cent a pound tax was placed on oleomargarine so as to bring it under the Internal Revenue Department as they have police facilities for enforcing the law and protecting the public against fraud.

The dairy men have no desire to place any tax on oleomargarine if it can be sold to the public for what it is. Every country where oleomargarine is sold or manufactured has certain restrictive measures controlling its sale and manufacture. Fraud and deception seem to have followed in the wake of this product. France, where the product originated during the Franco-Prussian War has had to amend its laws twice to protect the public against fraud in the sale of oleomargarine. European countries prohibit its being colored in imitation of butter, and they also require that it must be sold in separate stores where butter can not be handled. If such a law were possible under our form of government the tax would not be necessary. Germany, France and Belgium require that oleomargarine be sold in separate stores. In Denmark the law compels its being put up in a different style package from butter, the package being oblong in shape.

Writers of late have been giving the impression to the public that the manufacturers of oleomargarine are paying 10 cents a pound tax on same. The late report put out by the Internal Revenue shows that 97½ per cent of the oleomargarine in this country last year paid only one-fourth of 1 cent per pound tax. There was more oleomargarine manufactured last year than ever before in the history of the industry in this country. There was manufactured 152,509,912 pounds according to the report of the Internal Revenue Department just published. Of this amount 2,587,689 pounds were exported and consequently relieved from paying the tax. Of the enormous amount of oleomargarine produced during the year, only 3,403,287 pounds were taxed at 10 cents per pound, or a little less than 2½ per cent.

Dairying is becoming one of the principal industries of the State of Kansas. We trust that you can see your way clear to oppose Senator UNDERWOOD's amendment permitting of the coloring of oleomargarine. We admit that the present oleomargarine law is not perfect. It permits manufacturers to use the cheaper fats such as intestinal fats, vegetable oil, etc., in making their product. They are taxed only one-fourth of 1 cent a pound on same when sold in its natural color, and there is no limit to the amount of water that may be incorporated in oleomargarine. In addition to this such brands as "Butterine," "Jersey" brand, "Holstein" brand, "Guernsey" brand, and other names indicate that it is made from milk or cream. On the other hand if the creamery man incorporates the smallest fraction of a percent of foreign fats in connection with his butter he is required to pay a tax of 10 cents per pound and a license of \$600 per year, and to brand it adulterated butter. What the dairy interests of this State ask is to prevent oleomargarine from masquerading as butter.

Yours, truly,

J. J. CORKILL,
General Superintendent.

The PRESIDING OFFICER. The Secretary will state the amendment on page 15.

The SECRETARY. On page 15, after line 12, it is proposed to insert a new title to be known as Title V, as follows:

TITLE V.—MARGARINE TAX.

SEC. 500. That in lieu of the taxes now imposed by law upon the substances, mixtures, or compounds heretofore known as oleomargarine and which shall hereafter be known and designated as margarine, or its equivalent descriptive word when manufactured for export to a foreign country, there shall be levied, collected, and paid a tax at the rate of 2 cents per pound, to be paid by the manufacturer thereof, which tax shall be represented by internal-revenue stamp or stamps so affixed to the respective "manufacturers' original packages," hereinafter provided for, as to seal them securely, so that said packages may not be opened without destroying the stamp or stamps affixed thereto; and it shall be unlawful for any dealer, knowingly and willfully, to break said stamps, or to knowingly have in his possession such packages upon which said stamps have been broken or otherwise defaced: *Provided*, That margarine may be packed in any form required and removed from the place of manufacture under such regulations as are now or may hereafter be prescribed for export to foreign countries, or for consumption upon vessels plying between ports of the United States and those of foreign countries, or for the use of the United States Government, without the payment of tax thereon or affixing stamps thereto.

SEC. 501. All margarine shall be packed by the manufacturers thereof in separate sanitary "manufacturers' original packages" of one-fourth, one-half, 1, 2, 3, 5, or 10 pounds each, except as provided in section 400 of this act; and said "manufacturers' original packages" shall be packed in "shipping packages" containing not less than 10 pounds each, upon each of which shall be plainly branded, stamped, or printed the word "margarine" and a label as follows: "Notice.—The manufacturer of the margarine herein contained has complied with all the requirements of the law. Every dealer is cautioned not to break or deface the 'manufacturers' original package' herein contained or the revenue stamp or stamps thereon." Upon each of "manufacturers' original packages" shall be plainly branded, stamped, or printed the word "margarine," together with a caution notice as follows: "Notice.—Every person is cautioned not to use either this package or the stamp or stamps thereon again, or to remove the contents of this package without destroying the stamp, under the penalty of the law in such cases."

SEC. 502. That in lieu of the special taxes or licenses now imposed by law upon manufacturers of, and dealers in, oleomargarine, there shall be, and are hereby, imposed annually special taxes as follows: Manufacturers of margarine shall each pay \$600; wholesale dealers in margarine shall pay \$60; retail dealers in margarine shall each pay \$6.

SEC. 503. Margarine is here declared to be a food product; and, except as modified or repealed by this act, all the provisions of the existing laws relating to this product heretofore designated as oleomargarine shall continue in full force and effect, and all the general provisions of the internal-revenue statutes for the assessment and collection of taxes and licenses, and for seizures, forfeitures, and punishments for violations thereof, are hereby extended and made to apply to this food product, the taxes imposed by this act, and the persons upon whom imposed. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and required to make all needful rules and regulations to carry this act into effect. Nothing herein contained shall be construed to alter, amend, or repeal the provisions of the act of June 30, 1906, as amended, known as the meat food inspection act, nor the provisions of the act of June 30, 1906, as amended, known as the pure food and drug act.

During the reading of the amendment,

Mr. SMOOT. Mr. President, I will say to the Senator having the bill in charge that if we are to recess it seems to me we had better recess now, because there is no question but that the amendment will have to be read at the time it is voted on.

Mr. SIMMONS. No; I think we had better have the amendment read this afternoon.

Mr. PENROSE. Read it now.

Mr. SMOOT. Then, of course, it will have to be read again to-morrow.

Mr. SIMMONS. Why will it have to be read again? Every Senator has it before him. It is a mere form.

Mr. PENROSE. It is only a form to read it.

Mr. SMOOT. I have no doubt but that to-morrow, just before voting, some Senator will ask that it be read.

Mr. SIMMONS. I do not think so.

The Secretary resumed and concluded the reading of the amendment.

Mr. PENROSE. Mr. President, I suppose the Senate is not prepared to vote on this amendment now, and I take this opportunity to have placed in the RECORD a list of imports of merchandise entered at the port of New York from Japan during the period beginning with November 25, 1916, and ending January 26, 1917.

I think, Mr. President, that this list of merchandise, aggregating nearly \$10,000,000, is extremely interesting and impressive. I also have here a letter from Mr. C. H. Brown, an expert in statistics of this kind, representing the national hosiery industry, part of which I will ask to have inserted in the RECORD, explaining the significance of these figures.

The PRESIDING OFFICER. Without objection, that will be done.

The matter referred to is as follows:

[Extract from letter from C. H. Brown.]

In preparing the import statistics from Japan during December, 1916, and January, 1917, I hope to call your attention, as well as Members of Congress, to the heavy imports from that country and the largely increased number of products they are sending to this market, those represented by small amounts being feelers for new trade. From my investigation, most of the new lines of merchandise are remaining and seem to be acceptable in the markets of the United States. From all the information I can gain, Japan is prepared to increase the amount of merchandise sent us as fast as conditions demand.

During the progress of the foreign war there has been but little interference with merchandise coming into this country from Japan, and it seems a fact that Japan is making a strong endeavor to supply merchandise which before the war came here principally from Germany. When one considers that Japanese wages compared with those in Germany and America are about as cents compared with dollars, it seems that American manufacturers are due to find competition from Japan far more difficult to meet than anything they have been compelled to contend with from Germany. So if American manufacturers are to be protected from Japanese low wages, they should have that protection now, as well as after the close of the foreign war, which, in my opinion, the figures submitted to you proves beyond contradiction.

Imports of merchandise entered at the port of New York from Japan during the period beginning with Nov. 25, 1916, and ending Jan. 26, 1917.

Products.	Quantities.	Values.
Silk fabrics, ungummed.....	pounds.. 223,591	\$1,511,901
Silk fabrics in the gum.....	do..... 18,825	94,103
Silk dyed in the piece.....	do..... 12,510	93,072
Silk yarns dyed and weighted.....	do..... 496	2,932
Silk yarn dyed, not weighted.....	do..... 24,588	149,819
Silk handkerchiefs, cut.....	do..... 47,663	47,663
Silk handkerchiefs, hemstitched and embroidered.....	do..... 65,260	65,260
Art silk yarns.....	pounds.. 170	590
Silk plush and velvet ribbons.....	do..... 298	298
Boots and shoes.....	pairs.. 3	2
Wool cloth and dress goods.....	square yards.. 19,310	7,205
Other manufactures of wool.....	do..... 1,955	9,749
Musical instruments and parts.....	do..... 4,173	3,064
Books and music.....	do..... 1,333	3,064
Silks spun in the gray.....	pounds.. 1,333	3,064
Silk flouncings.....	do..... 6,114	8,701
Wool carpets and rugs.....	square yards.. 3,391	2,679
Moss.....	do..... 32	52,085
Tungsten ore.....	tons.. 7,389	19,568
Feathers.....	do..... 141,000	149,219
Beads.....	do..... 13,719	13,719
Brushes.....	do..... 24,143	5,000
Buttons.....	do..... 1,388,148	32,097
Flax.....	tons.. 78	78,385
Seeds.....	do..... 539,500	213,651
Dry horsehides.....	pounds.. 5,000	1,168
Metal filaments.....	number.. 1,388,148	560
Crude camphor.....	pounds.. 274,800	12,236
Refined camphor.....	do..... 539,500	7,830
Collodion.....	do..... 1,168	11,960
Salts of soda.....	pounds.. 28,000	1,145
Muriate of salts.....	tons.. 50	82,889
Muriate of potash.....	tons.. 9,200	74,130
Synthetic indigo.....	pounds.. 1,145	11,660
Medicinal preparations.....	do..... 384,312	6,191
Unrefined black.....	pounds.. 82,889	1,204
Chemicals.....	do..... 74,130	
Plumbago.....	tons.. 558	
Iridium.....	ounces.. 152	
Scientific apparatus.....	do..... 1,204	

Imports of merchandise entered at the port of New York, etc.—Contd.

Products.	Quantities.	Values.
Manufactures of shell and mother-of-pearl.....		\$1,023
Fertilizers.....		2,592
Manufactures of bone and horn.....		913
Manufactures of ivory.....		1,678
Art works.....		49,975
Manufactures of India rubber.....		1,426
Manufactures of bronze.....		10,902
Manufactures of wood.....		85,853
Manufactures of iron and steel.....		19,449
Manufactures of lead.....		778
Antimony matte.....	pounds.. 168,000	17,873
Coal-tar colors.....	do..... 2,116	8,861
Metals.....		19,265
Manufactures of copper.....		31
Pocketknives.....	dozen.. 2	2
Scissors.....	do..... 623	2,148
Other cutlery.....	do..... 30	1,855
Carbons.....		1,624
Lenses.....		191
Cameras.....		1,359
Jewelry.....		2,470
Manufactures of gold and silver.....		5,220
Pearls.....		2,619
Imitation precious stones.....		348,943
Cotton cloth dyed in the piece.....	square yards.. 1,449,054	28,952
Other manufactures of cotton cloth.....	do..... 68,301	25,675
Other manufactures of cotton.....		1,839
Cotton handkerchiefs.....		470
Cotton velvets and plushes.....	square yards.. 1,172	60,185
Cotton, silk, and wool wastes.....	pounds.. 286,000	68,178
Cotton, silk, and wool wearing apparel.....		40,983
Cotton, silk, and wool ready-made clothing, also linen.....		238,562
Cotton underwear.....		1,537
Silk manufactures unenumerated.....		17,390
Lace curtains.....		1,064
Linen handkerchiefs.....		181
Manufactures of fibers.....		7,204
Matting.....	square yards.. 134,615	27,841
Straw hats.....		69,507
Materials for hats.....		1,365,416
Other manufactures of straw.....		10,249
Undressed furs and skins.....		6,722
Furs dressed on the skin.....		733
Unmanufactured animal hair.....	pounds.. 7,729	3,427
Cleaned human hair.....		766
Uncleaned human hair.....	pounds.. 180	297
Bristles.....	do..... 1,931	4,157
Fans.....		2,237
Umbrellas.....		984
Pens and penholders.....		763
Manufactures of furs.....		401
Window, plate, and other glassware.....		4,024
China, decorated.....		53,420
China, not decorated.....		383
Earthenware, decorated.....		22,169
Earthenware, not decorated.....		1,610
Other earthenware.....		181
Manufactures of leather.....		448
Dolls and toys.....		73,666
Paper hangings.....		5,526
Other manufactures of paper.....		213,456
Pipes.....		436
Starch.....	pounds.. 4,287,588	205,095
Tea.....	do..... 1,261,074	169,337
Vegetable wax.....	do..... 290,400	32,763
Vegetable oils.....	do..... 6,639	17,274
Fish oil.....	gallons.. 16,995	5,904
Crab meat.....	pounds.. 25,320	632
Shrimp.....		7
Meat products.....		49
Bread and biscuit.....		16
Macaroni.....	pounds.. 500	4
Rice flour.....	do..... 100	4
Cleaned rice.....	do..... 4,000	123
Mushrooms.....	do..... 42	108
Fruits and nuts.....		38
Pickles and sauces.....		165
Beans and peas.....	bushels.. 56,812	154,913
Cured fish.....		578
Spices.....	pounds.. 70,000	5,471
Prepared vegetables and fruits.....		695
Wines.....		980
Sugar candy.....		17
Matches.....		35,196
Bulbs.....	number.. 1,266,763	41,163
Plants.....		3,693
Perfumery.....		10
Bottles.....		133
Lithographic labels.....		5
Bicycles.....		1,159
Pencils.....		559
Post cards.....		45
Free articles.....		20,675
Dutiable articles not enumerated.....		198,383
Total, 135 products.....		9,832,630

Mr. WADSWORTH. Mr. President, may I inquire of the Senators in charge of the bill if it is the intention to take a recess to-night and have no morning hour to-morrow?

Mr. HUGHES. That is the intention, as I understand.

Mr. SIMMONS. That is the understanding.

Mr. WADSWORTH. I dislike very much to consume any time now, but I should like to call attention to a very difficult

situation with respect to this extension of the permit for the use of water at Niagara Falls. The resolution (S. J. Res. 218) which authorizes the extension of that permit beyond July 1 next is now upon the table.

Mr. PENROSE. I suggest to the Senator that he call it up now.

Mr. SMITH of Georgia. Can we not take it up by unanimous consent now?

Mr. WADSWORTH. The Senator from Wisconsin objected to its immediate consideration this morning in order to give him a chance to prepare an amendment; and if there is to be no morning hour to-morrow and the revenue bill is taken up immediately upon the convening of the Senate to-morrow, it will be utterly impossible under the unanimous-consent agreement, as I understand it, to reach the Niagara Falls extension permit to-morrow.

Mr. FLETCHER. The bill can be laid aside by unanimous consent.

Mr. SMITH of Georgia. Which of the Senators from Wisconsin was it?

Mr. WADSWORTH. The junior Senator from Wisconsin [Mr. HUSTING].

Mr. PENROSE. Does the senior Senator from Wisconsin know whether or not the junior Senator from Wisconsin would object?

Mr. LA FOLLETTE. He would object to its consideration to-night.

Mr. WADSWORTH. I am not asking for the consideration of it to-night, because I understand perfectly that the junior Senator—

Mr. SMITH of Georgia. It is perfectly agreeable to us to adjourn.

Mr. SMOOT. No; not to adjourn; to recess.

Mr. SMITH of Georgia. I say it is agreeable to the Senators on this side.

Mr. PENROSE. The understanding is that we will not adjourn; that we will take a recess. The minority have been crowded under this unanimous-consent agreement and have not had a fair opportunity to present their views.

Mr. SMITH of Georgia. What I was endeavoring to do was to explain to the Senator from New York that we were not wishing to cut him off. We agreed to a recess because we thought it was the wish of the Senators on the other side of the Chamber.

ARMED MERCHANT SHIPS.

Mr. STONE. Mr. President, the Committee on Foreign Relations has had under consideration the recommendation made by the President in his address before the joint session of the two Houses on yesterday; and that committee has directed me, as its chairman, to introduce the bill I now send to the desk, and ask that it be read the first and second times and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection—

The SECRETARY. A bill authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. PENROSE. Let it be read, Mr. President.

The PRESIDING OFFICER. Request is made that the bill be read. The Secretary will read the bill.

The Secretary read the bill, as follows:

A bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Be it enacted, etc., That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

SEC. 2. That the sum of \$100,000,000 is hereby appropriated, to be expended by the President of the United States for the purpose of carrying into effect the foregoing provisions, the said sum to be available until the 1st day of January, 1918.

SEC. 3. That for the purpose of meeting the expenditures herein authorized the Secretary of the Treasury, under the direction of the President, is hereby authorized to borrow on the credit of the United States and to issue therefor bonds of the United States not exceeding in the aggregate \$100,000,000, said bonds to be in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe, and to bear interest at a rate not exceeding 3 per cent per annum: *Provided*, That such bonds shall be sold at not less than par, shall not carry the circulation privilege, and that all citizens of the United States shall be given an equal opportunity to subscribe there-

for, but no commission shall be allowed or paid thereon; that both principal and interest shall be payable in United States gold coin of the present standard of value, and be exempt from all taxation and duties of the United States, as well as from taxation in any form of all State, municipal, or local authorities; that any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

SEC. 4. That in order to pay the necessary expenses connected with the said issue of bonds, or any conversions thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued, or which may be converted, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

SEC. 5. That the President is authorized to transfer so much of the amount herein appropriated as he may deem necessary, not exceeding \$25,000,000, to the Bureau of War Risk Insurance, created by act of Congress approved September 2, 1914, for the purpose of insuring vessels, their freight, passage moneys, and cargoes against loss or damage by the present risks of war.

Mr. WATSON. Mr. President, I should like to ask the chairman of the committee whether or not that is a unanimous report; or did I understand him to say it was a unanimous report of the committee?

Mr. STONE. I made no statement with respect to that.

Mr. WATSON. I understood the Senator to say—perhaps I misunderstood him—that it was a unanimous report of the committee.

Mr. STONE. I made no statement upon that subject.

Mr. WATSON. Has the Senator anything to say on that point for the illumination of the Senate?

Mr. STONE. I have not.

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. LA FOLLETTE. Do I understand that unanimous consent was granted for the introduction of that bill at this time?

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. LA FOLLETTE. Well, Mr. President, just this word: No one could know what that bill was until it was read; and I ask now, in all fairness, that the request for unanimous consent, since the Senate is informed as to the character of the bill, be again submitted to the Senate.

The PRESIDING OFFICER. The ruling of the Chair was made after it was inquired if there was objection, and the Chair does not understand that the unanimous consent given can be withdrawn. Without objection, the bill will be considered read the first and second time—

Mr. LA FOLLETTE. Well, I object, Mr. President.

The PRESIDING OFFICER. As the Chair understands it—the Chair is just now making a ruling—without objection it was done, and it will be considered read the first and second time and referred to the committee.

Mr. THOMAS. Mr. President, I desire to call the attention of the ranking member of the Finance Committee to one—

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. LA FOLLETTE. I understand from the chairman of the committee who presented the bill, the Senator from Missouri [Mr. STONE], that no request for unanimous consent was made.

Mr. STONE. I think it is fair to say what the RECORD itself will disclose.

The PRESIDING OFFICER. The Chair announced that, without objection, the bill would be received; and it was presented and was read.

Mr. STONE. I will say that I did not make a formal request for unanimous consent. I stated, as I recall it, that I introduced the bill by request of the Committee on Foreign Relations as the action taken by the committee on the recommendation made by the President in his address of yesterday, and I think the Chair said, "If there be no objection, the bill will be received," or words to that effect.

The PRESIDING OFFICER. The bill was presented, and the Chair understood that the bill at this time could not be presented except by unanimous consent. "Without objection," the Chair said, "the bill will be presented," and it was asked that it be read, and necessarily it was done by unanimous consent.

Mr. LEA of Tennessee. Mr. President, in a spirit of fairness I suggest that the Reporter read the proceedings from the time the bill was offered by the Senator from Missouri.

The PRESIDING OFFICER. The Chair will state that the ruling has been made. If the Senator from Wisconsin desires to appeal from the decision of the Chair, or to make some motion relative to it, the Chair will entertain it.

Mr. LA FOLLETTE. I do not understand that unanimous consent has been given for the first and second reading of the bill.

The Reporter read as follows:

Mr. STONE. Mr. President, the Committee on Foreign Relations has had under consideration the recommendation made by the President in his address before the joint session of the two Houses on yesterday; and that committee has directed me, as its chairman, to introduce the bill I now send to the desk, and ask that it be read the first and second time and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection—

The SECRETARY. A bill authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. PENROSE. Let it be read, Mr. President.

The PRESIDING OFFICER. Request is made that the bill be read. The Secretary will read the bill.

Mr. LA FOLLETTE. Mr. President, it is quite apparent from the reading of the notes that the Presiding Officer did not present any request to the Senate or make any statement to the Senate that implied the submission of a unanimous-consent request. A request has been made for unanimous consent for the first and second readings of the bill, and no opportunity has been given to any Senator to object to the first and second readings of the bill, as shown by the record.

The PRESIDING OFFICER. The Chair will hold that since the bill could not have been introduced except by unanimous consent, when it was offered, and the Chair said "without objection," and nobody objected, the ruling of the Chair is to the effect that the matter was presented. That is the ruling of the Chair, and it would be too late to object to the presentation of the bill under those conditions. If there is a difference with the ruling of the Chair there is a method of remedying that difference and getting relief from it, if the Senator from Wisconsin desires to appeal from the decision of the Chair.

Mr. SMOOT. So that the record may be straight, I want to ask the Presiding Officer if he holds that the mere statement of the Chair that without objection the bill will be read is equivalent to a unanimous-consent agreement, or does the Chair hold that it was a unanimous-consent agreement because the bill could not have been introduced except by unanimous consent?

The PRESIDING OFFICER. The Chair holds that since it could not have been introduced except by unanimous consent when it was offered, and the Chair said, "without objection, this will be done," it was done by unanimous consent.

Mr. SMOOT. The mere fact that the Chair said "without objection," as read by the Reporter, and there being no objection has been held not to be a unanimous-consent agreement; but if the Chair holds that the bill could not have been introduced unless by unanimous consent, and therefore it was done by unanimous consent, that is another question entirely. I do not know that I have ever heard that point decided.

The PRESIDING OFFICER. It is the ruling of the Chair that it could not have been introduced except by unanimous consent, and when it was offered and the Chair said "without objection," and no objection was made, it necessarily was introduced by unanimous consent.

Mr. STONE. I did not suppose there would be any objection to the introduction of the bill. It is so customary to interrupt the proceedings when the unfinished business is under consideration to introduce a bill for reference that I did not suppose there would be any objection to it, and hence I made no formal request for unanimous consent. I can not perceive at the moment that any right or privilege or opportunity has been lost to anyone by the mere introduction of the bill. It is a committee bill; I was directed by the committee to introduce it merely for reference to the committee, and I hope there can be no criticism or objection to the course taken.

Mr. LA FOLLETTE. The course taken, if taken under the rule, as I understand it, would mean the saving of one day's time in getting the bill out of committee and before the Senate. Did I understand that the right to demand the first and second readings of the bill is held to have been surrendered?

The PRESIDING OFFICER. Is the Senator from Wisconsin asking for a further ruling on the question?

Mr. STONE. On the suggestion of some of my colleagues of the committee, that there may be no criticism whatsoever, and inasmuch as in my opinion as well as that of others it would not expedite or delay the consideration of the bill, I have no objection whatever to a reconsideration of the action taken by unanimous consent.

The PRESIDING OFFICER. The Chair will hold that the bill has been introduced, and has been read one time, and it has not been read the second time, and if it is desired to object to it, the objection would be made, of course, to a second reading. But if unanimous consent is asked to reconsider upon that point, whatever the Senate does about the matter is, of course, the rule. Without objection—

Mr. LODGE. I do not think we can reconsider a unanimous consent.

Mr. LA FOLLETTE. I do not ask for a reconsideration, but I do object to the second reading of the bill.

The PRESIDING OFFICER. The bill will lie over until tomorrow on objection to its second reading.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. THOMAS. Mr. President, the unanimous-consent agreement under which the Senate is now acting in regard to the revenue measure provides that "at 8 o'clock p. m. on Wednesday, February 28, 1917, the Senate will proceed to vote," and so forth. I am informed that it is understood between the Senator having charge of the bill and the minority that we shall recess at this hour until to-morrow morning at 10 o'clock. In that event the legislative day will continue until to-morrow as of the 27th.

I wish to ask the Senator from Pennsylvania [Mr. PENROSE] whether, in his opinion, the recess will in any wise affect the operation of the unanimous-consent agreement. The agreement does not specify whether we shall vote upon a calendar day or a legislative day. To-morrow will be the legislative day of the 27th if we take a recess. I thought best to clear up any possible question about the effect of a recess upon the unanimous-consent agreement before a recess is taken.

Mr. PENROSE. Mr. President, it does not seem to me that there is any doubt about it, because the unanimous consent does not mention any legislative day. It specifically mentions Wednesday.

Mr. THOMAS. That is my understanding. I am glad the Senator agrees with me.

Mr. STONE. Before a recess is taken I am going to prefer a request for unanimous consent that the Senate now proceed to the consideration of executive business, to continue not later than half-past 6, and that no business be done except to read and refer nominations.

Mr. THOMAS. Before that request is put, will the Senator withdraw it sufficiently long to enable me to make a motion now that when the Senate recesses it shall recess until to-morrow morning at 10 o'clock?

Mr. STONE. I have no objection to that.

Mr. SIMMONS. Before the motion of the Senator from Colorado is put I wish to inquire if there is dissent by any Senators present to the construction of the Senator from Pennsylvania [Mr. PENROSE] of the unanimous-consent agreement.

The PRESIDING OFFICER. It has been ruled by the Chair that that construction is the correct one.

Mr. THOMAS. I ask that my motion be put that when the Senate takes a recess it shall be until to-morrow morning at 10 o'clock.

The PRESIDING OFFICER. Is there objection to the motion that when a recess is taken it shall be until to-morrow morning at 10 o'clock? No objection being made, it is agreed to.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. The Senator from Missouri [Mr. STONE] has the floor.

Mr. NEWLANDS. I wish to ask the Senator from Missouri whether his motion will include the favorable report from committees upon appointments made. I have a report to make from the Committee on Interstate Commerce.

Mr. STONE. If there be no objection, I will extend the request so as to make it that no business shall be done except the receiving and presentation of nominations for reference and reports of committees on nominations already referred.

Mr. SMOOT. I shall object to the latter part.

Mr. STONE. Then I will not include it.

The PRESIDING OFFICER. Unanimous consent is requested to proceed to the consideration of executive business for the consideration of such matters as were mentioned by the Senator from Missouri.

Mr. NEWLANDS. Certainly the Senator from Utah did not understand my suggestion.

Mr. SMOOT. The Senator from Utah well understood it.

Mr. NEWLANDS. The Committee on Interstate Commerce is ready to report favorably on the nomination of two members of the Federal Trade Commission. I simply wish to make that report.

Mr. SMOOT. The Senator from Utah understands it. There will be plenty of chances to do that.

The PRESIDING OFFICER. There is objection to that part of the request. Is there objection to the request as first made by the Senator from Missouri?

Mr. OWEN. I should like to ask the consent of the Senate that on Thursday morning immediately after the morning business we may take up the bill proposing certain amendments to the Federal reserve act.

Mr. SMOOT. There is no necessity to ask unanimous consent at this time.

The PRESIDING OFFICER. There is objection.

Mr. SMOOT. On Thursday morning the Senator can move to take up the bill, and there is no question but that he will get the votes to take it up.

The PRESIDING OFFICER. There being objection, the question is whether unanimous consent is given to the request made by the Senator from Missouri that the Senate proceed to the consideration of executive business. Is there objection? The Chair hears none, and the Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 28, 1917, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 27, 1917.

PROMOTIONS IN THE ARMY.

SIGNAL CORPS.

Maj. Daniel J. Carr, Signal Corps, to be lieutenant colonel from February 14, 1917, vice Lieut. Col. George O. Squier, appointed Chief Signal Officer, with the rank of brigadier-general.

Capt. Charles de F. Chandler, Signal Corps, to be major from February 14, 1917, vice Maj. Daniel J. Carr, promoted.

INFANTRY ARM.

Maj. John W. Heavey, Ninth Infantry, to be lieutenant colonel from January 26, 1917, subject to examination required by law, vice Lieut. Col. Sydney A. Cloman, Twelfth Infantry, resigned January 25, 1917.

Capt. Alexander E. Williams, Quartermaster Corps (Infantry), to be major from January 26, 1917, vice Maj. John W. Heavey, Ninth Infantry, promoted.

FIELD ARTILLERY ARM.

Capt. George V. H. Moseley, Fifth Field Artillery, to be major from July 1, 1916, to fill an original vacancy.

Capt. Charles M. Bundel, Sixth Field Artillery, to be major from July 1, 1916, to fill an original vacancy.

Capt. Charles D. Herron, Third Field Artillery, to be major from July 1, 1916, vice Maj. Harry G. Bishop, Fifth Field Artillery, promoted.

Capt. Robert C. Foy, Ninth Field Artillery, to be major from July 1, 1916, vice Maj. Dan T. Moore, unassigned, detailed in the General Staff Corps.

Capt. Edward T. Donnelly, Fifth Field Artillery, to be major from July 1, 1916, vice Maj. Frank E. Hopkins, unassigned, detailed in the Signal Corps.

Capt. George M. Brooke, Field Artillery, detached officers' list, to be major from August 3, 1916, vice Maj. John E. Stephens, unassigned, detailed in the Inspector General's Department.

Capt. Harry C. Williams, Field Artillery (detailed in Quartermaster Corps), to be major from September 22, 1916, vice Maj. Henry L. Newbold, unassigned, placed on detached officers' list.

Capt. Albert U. Faulkner, Fourth Field Artillery, to be major from September 22, 1916, vice Maj. Harry C. Williams, whose detail in the Quartermaster Corps is continued.

First Lieut. Robert G. Kirkwood, Third Field Artillery, to be captain from July 1, 1916, vice Capt. William McK. Lambdin, Fourth Field Artillery, promoted.

First Lieut. Harold E. Marr, Field Artillery, detached officers' list, to be captain from July 1, 1916, vice Capt. George V. H. Moseley, Fifth Field Artillery, promoted.

First Lieut. Joseph W. Rumbough, Fourth Field Artillery, to be captain from July 1, 1916, vice Capt. Charles M. Bundel, Sixth Field Artillery, promoted.

First Lieut. William McCleave, First Field Artillery, to be captain from July 1, 1916, vice Capt. Charles D. Herron, Third Field Artillery, promoted.

First Lieut. Allan C. McBride, Field Artillery, detached officers' list, to be captain from July 1, 1916, vice Capt. Robert C. Foy, Ninth Field Artillery, promoted.

First Lieut. Joe R. Brabson, Third Field Artillery, to be captain from July 1, 1916, vice Capt. Edward T. Donnelly, Fifth Field Artillery, promoted.

First Lieut. Leonard C. Sparks, Field Artillery, unassigned, to be captain from July 1, 1916, vice Capt. Walter E. Prosser, unassigned, detailed in the Signal Corps.

First Lieut. John A. Crane, Fifth Field Artillery, to be captain from July 1, 1916, vice Capt. John N. Greely, unassigned, detailed in the Signal Corps.

First Lieut. Frederick A. Prince, Fifth Field Artillery, to be captain from July 1, 1916, vice Capt. James M. Burns, detailed in the Ordnance Department.

First Lieut. Marshall Magruder, Field Artillery, unassigned, to be captain from July 1, 1916, vice Capt. Everett S. Hughes, detailed in the Ordnance Department.

First Lieut. Truby C. Martin, Sixth Field Artillery, to be captain from July 1, 1916, vice Capt. Thomas J. Smith, detailed in the Ordnance Department.

First Lieut. Wilbur Rogers, Seventh Field Artillery, to be captain from July 2, 1916, vice Capt. Arthur F. Cassels, Sixth Field Artillery, retired from active service July 1, 1916.

First Lieut. Louis R. Dougherty, Field Artillery, unassigned, to be captain from July 2, 1916, vice Capt. Edward A. Stuart, Second Field Artillery, retired from active service July 1, 1916.

First Lieut. Samuel R. Hopkins, Second Field Artillery, to be captain from July 7, 1916, vice Capt. Harry C. Williams, Fifth Field Artillery, detailed in the Quartermaster Corps.

First Lieut. Charles P. Hollingsworth, Field Artillery, unassigned, to be captain from July 7, 1916, vice Capt. Tilman Campbell, Sixth Field Artillery, detailed in the Quartermaster Corps.

First Lieut. Charles D. Daly, First Field Artillery, to be captain from September 22, 1916, vice Capt. Albert U. Faulkner, Fourth Field Artillery, promoted.

COAST ARTILLERY CORPS.

First Lieut. Norton M. Beardslee, Coast Artillery Corps, to be captain from July 2, 1916, vice Capt. John G. Workizer, retired from active service July 1, 1916.

First Lieut. William C. Whitaker, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Harry W. Newton, detailed in the Quartermaster Corps.

First Lieut. James A. Brice, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Charles E. N. Howard, detailed in the Quartermaster Corps.

First Lieut. James L. Dunsworth, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. John O. Steger, detailed in the Quartermaster Corps.

First Lieut. Dana H. Crissy, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Graham Parker, detailed in the Quartermaster Corps.

First Lieut. Francis G. Delano, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Richard H. Jordan, detailed in the Quartermaster Corps.

First Lieut. Raphael R. Nix, Coast Artillery Corps (captain, Ordnance Department), to be captain from July 7, 1916, vice Capt. Owen G. Collins, detailed in the Quartermaster Corps.

First Lieut. James L. Walsh, Coast Artillery Corps (captain, Ordnance Department), to be captain from July 7, 1916, vice Capt. Raphael R. Nix, whose detail in the Ordnance Department is continued.

First Lieut. Henry H. Malven, jr., Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. James L. Walsh, whose detail in the Ordnance Department is continued.

First Lieut. Edward L. Kelly, Coast Artillery Corps, detached officers' list, to be captain from July 7, 1916, vice Capt. Louis C. Brinton, jr., detailed in the Quartermaster Corps.

First Lieut. Thruston Hughes, Coast Artillery Corps, to be captain from July 7, 1916, vice Capt. Mark L. Ireland, detailed in the Quartermaster Corps.

First Lieut. Charles B. Meyer, Coast Artillery Corps, to be captain from July 10, 1916, vice Capt. James A. Ruggles, promoted.

First Lieut. Frederick A. Mountford, Coast Artillery Corps, to be captain from July 10, 1916, vice Capt. Terence E. Murphy, promoted.

First Lieut. Fordyce L. Perego, Coast Artillery Corps, to be captain from July 15, 1916, vice Capt. Allen D. Raymond, promoted.

APPOINTMENTS IN THE ARMY.

CHAPLAINS.

Rev. George Runyan Longbrake, of Wisconsin, to be chaplain with the rank of first lieutenant from February 16, 1917, to fill an original vacancy.

Rev. Frank Campion Armstrong, of Illinois, to be chaplain with the rank of first lieutenant from February 16, 1917, to fill an original vacancy.

Rev. John Henry Hardy, of Texas, to be chaplain with the rank of first lieutenant from February 17, 1917, to fill an original vacancy.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Erskine S. Dollarhide, Fifth Field Artillery, to be second lieutenant of Infantry, with rank from November 30, 1916.

Second Lieut. George N. Ruhberg, Twenty-sixth Infantry, to be second lieutenant of Field Artillery, with rank from November 30, 1916.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Medical Inspector George H. Barber to be a medical director in the Navy from the 2d day of October, 1916.

The following-named surgeons to be medical inspectors in the Navy from the 29th day of August, 1916:

Charles E. Riggs,
James F. Leys,
Frank C. Cook,
Charles P. Kindleberger,
Arthur W. Dunbar,
Theodore W. Richards,
Moulton K. Johnson,
Middleton S. Elliott,
Dudley N. Carpenter, and
James C. Pryor.

Surg. Washington B. Grove to be a medical inspector in the Navy from the 2d day of October, 1916.

Passed Asst. Surg. Robert G. Helner to be a surgeon in the Navy from the 12th day of June, 1916.

The following-named passed assistant surgeons to be surgeons in the Navy from the 29th day of August, 1916:

Robert E. Stoops,
Benjamin H. Dorsey,
Harry F. Hull,
William J. Zalesky,
Lewis H. Wheeler,
Henry A. May,
William D. Owens,
Owen J. Mink,
Frederick E. Porter, and
Paul T. Dessez.

Passed Asst. Surg. Norman T. McLean to be a surgeon in the Navy from the 20th day of September, 1916.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 9th day of February, 1917:

William O. Bailey, a citizen of the District of Columbia,
William B. Fowlkes, a citizen of Virginia, and
Ralph H. Jenkins, a citizen of Maryland.

The following-named first lieutenants to be captains in the Marine Corps from the 29th day of August, 1916:

William B. Sullivan, and
Richmond Bryant.

The following-named acting assistant dental surgeons to be dental surgeons in the Navy from the 29th day of August, 1916:

Emory A. Bryant,
William N. Cogan,
Harry E. Harvey,
James L. Brown,
Eugene H. Tennent,
Joseph A. Mahoney,
Leon Martin,
Joseph D. Halleck,
Anson F. McCreary,
Marion E. Harrison,
Ernest W. Lacy,
Lucian C. Williams,
Harry W. Blaisdell,
Harry D. Johnson,
Paul G. White,
Cornelius H. Mack,
Arthur A. Rehm,
Hugh T. Meyers,
William L. Darnall,
Logan A. Willard,
John R. Barber,
George H. Reed,
Franklin L. Morey,
John V. McAlpin,
Marion W. Mangold,
Edward E. Harris,

Alexander G. Lyle,
Alexander J. Zuehlke,
John W. Crandall,
Thomas L. Sampsell, and
Thomas J. Daly.

The following-named assistant dental surgeons in the Dental Reserve Corps to be assistant dental surgeons in the Dental Reserve Corps of the Navy from the 29th day of August, 1916:

Williams Donnally,
George C. Kusel,
Meyer L. Rhein,
Clarence J. Grieves,
Charles W. Rodgers,
Clyde M. Gearhart,
David J. Alexander,
Walter C. Miller,
Edwin N. Cochran,
Gordon H. Claude,
Charles C. Galloway,
William M. Thebaut, and
George C. Fowler.

Julius L. Waterman, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 13th day of February, 1917.

The following named citizens to be dental surgeons in the Navy for a probationary period of two years from the 20th day of February, 1917:

Griffin G. Frazier, a citizen of the District of Columbia;
Rufus A. Ferguson, a citizen of Virginia;
Alfred W. Chandler, a citizen of New Jersey; and
Carl S. Ziesel, a citizen of New Jersey.

Naval Constructor Daniel C. Nutting, jr., with the rank of lieutenant commander, to be a naval constructor in the Navy with the rank of commander from the 29th day of August, 1916.

POSTMASTERS.

ALASKA.

J. F. Warder to be postmaster at Ketchikan, Alaska, in place of Minnie E. Swineford, resigned.

ARIZONA.

Robert T. Jones to be postmaster at Superior, Ariz. Office became presidential January 1, 1917.

ARKANSAS.

W. E. Lamb to be postmaster at Lepanto, Ark. Office became presidential January 1, 1917.

CALIFORNIA.

George C. Coggin to be postmaster at Armona, Cal. Office became presidential October 1, 1916.

Solomon Geer to be postmaster at Puente, Cal. Office became presidential January 1, 1917.

H. A. Hall to be postmaster at Bigpine, Cal. Office became presidential October 1, 1916.

Thomas F. Keating to be postmaster at Novato, Cal. Office became presidential January 1, 1917.

Henry A. Miles to be postmaster at Ramona, Cal. Office became presidential October 1, 1916.

Edward R. Neill to be postmaster at Indio, Cal. Office became presidential January 1, 1917.

William O'Grady to be postmaster at Kennett, Cal., in place of Kenneth V. Blair, resigned.

Ralph H. Read to be postmaster at Middletown, Cal. Office became presidential January 1, 1917.

Ross L. Taylor to be postmaster at Downieville, Cal. Office became presidential January 1, 1917.

COLORADO.

R. O. Casady to be postmaster at Springfield, Colo., in place of James E. Gordon, resigned.

FLORIDA.

E. L. Brigman to be postmaster at Panama City, Fla., in place of Al Hogeboom, removed.

Sterling L. Canter to be postmaster at Avon Park, Fla. Office became presidential January 1, 1917.

Charles T. Hellier to be postmaster at Jensen, Fla. Office became presidential January 1, 1917.

GEORGIA.

John S. Brown to be postmaster, at Locust Grove, Ga., in place of John S. Brown. Incumbent's commission expired June 7, 1916.

William Smith to be postmaster at Pearson, Ga. Office became presidential January 1, 1917.

John D. Watterson to be postmaster at Eatonton, Ga., in place of Thomas C. Spivey, resigned.

IDAHO.

D. Rolla Harris to be postmaster at Sugar, Idaho. Office became presidential July 1, 1914.

ILLINOIS.

Earl Bitner to be postmaster at Glasford, Ill. Office became presidential October 1, 1916.

Mary H. Hrdlicka to be postmaster at Cary Station, Ill. Office became presidential January 1, 1917.

John F. Petit to be postmaster at Mooseheart, Ill. Office became presidential April 1, 1916.

INDIANA.

Maggie L. Harding to be postmaster at Brownsburg, Ind., in place of James F. Harding, deceased.

Cyrenius W. Walters to be postmaster at Hazleton, Ind. Office became presidential January 1, 1917.

IOWA.

Jacob A. Schwartz to be postmaster at Fenton, Iowa. Office became presidential January 1, 1917.

LOUISIANA.

Edwin R. Ford to be postmaster at Jonesville, La. Office became presidential January 1, 1917.

MAINE.

Herbert M. Poland to be postmaster at Rockport, Me., in place of C. A. Churchill, resigned.

David H. Smith to be postmaster at Darkharbor, Me. Office became presidential October 1, 1916.

MARYLAND.

Edwin S. Worthington to be postmaster at Darlington, Md. Office became presidential October 1, 1916.

MASSACHUSETTS.

Abner Harlow to be postmaster at Mattapoisett, Mass., in place of J. S. Burbank. Incumbent's commission expired December 14, 1912.

Benjamin C. Kelley to be postmaster at Harwich Port, Mass. Office became presidential October 1, 1916.

Frank M. Reynolds, jr., to be postmaster at Nantasket Beach, Mass. Office became presidential October 1, 1916.

Edward W. Sullivan to be postmaster at Stockbridge, Mass., in place of Agnes J. Smith. Incumbent's commission expired December 20, 1915.

MICHIGAN.

George T. Baldwin to be postmaster at Fowler, Mich. Office became presidential October 1, 1916.

William Beacom to be postmaster at Pickford, Mich. Office became presidential January 1, 1917.

Nell H. Burns to be postmaster at Kingston, Mich. Office became presidential January 1, 1917.

Thomas J. Donlan to be postmaster at Dollar Bay, Mich. Office became presidential January 1, 1917.

Floyd W. Downing to be postmaster at Byron, Mich. Office became presidential October 1, 1916.

MINNESOTA.

Fleur de Lis Bradford to be postmaster at Verndale, Minn., in place of C. J. Aldean, resigned.

Bert S. Colton to be postmaster at Granada, Minn. Office became presidential October 1, 1916.

George A. Etzell to be postmaster at Clarissa, Minn. Office became presidential October 1, 1916.

Joseph Groebner to be postmaster at Wabasso, Minn. Office became presidential October 1, 1916.

Edith A. McN. Marsden to be postmaster at Hendrum, Minn. Office became presidential October 1, 1916.

De Wane Searles to be postmaster at Elgin, Minn. Office became Presidential October 1, 1916.

William H. Sturgeon to be postmaster at Canton, Minn. Office became presidential October 1, 1916.

MONTANA.

Don W. Beeman to be postmaster at Lambert, Mont. Office became Presidential October 1, 1916.

Frank Bernatz to be postmaster at Dixon, Mont. Office became presidential January 1, 1917.

Mattie C. Donaldson to be postmaster at Froid, Mont. Office became presidential January 1, 1917.

W. M. Eaman to be postmaster at Dutton, Mont. Office became presidential January 1, 1917.

Matthew U. Mahns to be postmaster at Savage, Mont. Office became presidential October 1, 1916.

Margaret O'Connell to be postmaster at St. Ignatius, Mont. Office became presidential October 1, 1916.

Hattie Savage to be postmaster at Troy, Mont. Office became presidential October 1, 1916.

NEBRASKA.

John T. Bridges to be postmaster at Oconto, Nebr. Office became presidential October 1, 1916.

Mildred B. Graves to be postmaster at Palisade, Nebr. Office became presidential October 1, 1916.

William M. Trent to be postmaster at Bellevue, Nebr. Office became presidential January 1, 1917.

NEW HAMPSHIRE.

Stella E. Coburn to be postmaster at North Rochester, N. H. Office became presidential April 1, 1916.

NEW JERSEY.

Alley B. Ayres to be postmaster at Island Heights, N. J. Office became presidential October 1, 1916.

George A. Clark to be postmaster at Scotch Plains, N. J. Office became presidential January 1, 1917.

Frank Ferry, jr., to be postmaster at Bayhead, N. J. Office became presidential October 1, 1916.

John B. Geary to be postmaster at South Plainfield, N. J. Office became presidential October 1, 1916.

Walter R. Huff to be postmaster at Neshanic Station, N. J. Office became presidential January 1, 1917.

Daniel E. McCallion to be postmaster at Lakehurst, N. J. Office became presidential October 1, 1916.

William C. Snyder to be postmaster at Avon by the Sea, N. J. Office became presidential October 1, 1916.

NEW YORK.

Leslie E. Eignor to be postmaster at Pine Hill, N. Y. Office became presidential October 1, 1917.

Joseph A. Frost to be postmaster at Williamstown, N. Y. Office became presidential January 1, 1917.

John B. Mattice to be postmaster at Wayland, N. Y., in place of John A. Kramer, deceased.

George H. Smiley to be postmaster at Minnewaska, N. Y. Office became presidential January 1, 1917.

Clara M. Park to be postmaster at Woodstock, N. Y. Office became presidential October 1, 1916.

George W. Snyder to be postmaster at Schoharie, N. Y., in place of C. B. L'Amoreaux, removed.

Charles H. Whitson to be postmaster at Briarcliff Manor, N. Y., in place of C. H. Whitson. Incumbent's commission expired April 17, 1916.

NORTH CAROLINA.

Albert R. Bauman to be postmaster at Montreat, N. C. Office became presidential October 1, 1916.

Lewis B. McBrayer to be postmaster at Sanatorium, N. C. Office became presidential January 1, 1917.

Edward K. Norris to be postmaster at Creedmore, N. C. Office became presidential October 1, 1916.

Archie J. Sykes to be postmaster at Pomona, N. C. Office became presidential October 1, 1916.

NORTH DAKOTA.

Minnie E. Anderson to be postmaster at Leonard, N. Dak. Office became presidential January 1, 1917.

James Fitzpatrick to be postmaster at Sawyer, N. Dak. Office became presidential January 1, 1917.

Mabelle Fletcher to be postmaster at Adams, N. Dak. Office became presidential October 1, 1916.

Gertrude M. Larin to be postmaster at Parshall, N. Dak. Office became presidential October 1, 1916.

Oscar W. Moore to be postmaster at Rocklake, N. Dak. Office became presidential October 1, 1916.

Mons K. Ohnstad to be postmaster at Sharon, N. Dak. Office became presidential October 1, 1916.

Ira L. Walla to be postmaster at Arnegard, N. Dak. Office became presidential October 1, 1916.

OHIO.

Emil L. Davis to be postmaster at Lakeview, Ohio. Office became presidential January 1, 1917.

Charles O. Polen to be postmaster at Beallsville, Ohio. Office became presidential October 1, 1916.

J. D. M. Russell to be postmaster at Wilberforce, Ohio. Office became presidential January 1, 1917.

Kate B. Stanley to be postmaster at Lowell, Ohio. Office became presidential October 1, 1916.

William T. Wilson to be postmaster at Mount Orab, Ohio. Office became presidential October 1, 1916.

OKLAHOMA.

Charles S. Cravens to be postmaster at Jenks, Okla. Office became presidential January 1, 1917.

George P. Creal to be postmaster at Supply, Okla. Office became presidential October 1, 1916.

Charles H. Hatfield to be postmaster at Hydra, Okla., in place of Lee Roy Daniel, resigned.

Joseph O. Jackson to be postmaster at Mountain Park, Okla., in place of Edward Hensley, resigned.

Allan C. Melton to be postmaster at Cement, Okla., in place of George L. Powell, resigned.

Ellen L. Morris to be postmaster at May, Okla. Office became presidential October 1, 1916.

Frances G. Owens to be postmaster at Gate, Okla. Office became presidential October 1, 1916.

OREGON.

Daisy Buckner to be postmaster at Scio, Oreg. Office became presidential October 1, 1916.

Edgar L. Davidson to be postmaster at Oswego, Oreg. Office became presidential January 1, 1917.

Shelby F. Deaderick to be postmaster at Halfway, Oreg. Office became presidential October 1, 1916.

Clark B. Foster to be postmaster at Dayton, Oreg. Office became presidential October 1, 1916.

Volney E. Lee to be postmaster at North Powder, Oreg. Office became presidential October 1, 1916.

Roy E. Pritchett to be postmaster at Gaston, Oreg. Office became presidential October 1, 1916.

Roy J. Rhoades to be postmaster at Powers, Oreg. Office became presidential January 1, 1917.

J. W. Vandervelden to be postmaster at Banks, Oreg. Office became presidential January 1, 1917.

W. W. Wilson to be postmaster at Yoncalla, Oreg. Office became presidential October 1, 1916.

PENNSYLVANIA.

Camilla W. Adams to be postmaster at East McKeesport, Pa. Office became presidential October 1, 1916.

Daniel J. O'Brien to be postmaster at Everson, Pa. Office became presidential October 1, 1916.

SOUTH DAKOTA.

Walter R. Dickson to be postmaster at Hitchcock, S. Dak., in place of Bernard Laverty, declined.

William F. Gouch to be postmaster at Canova, S. Dak. Office became presidential October 1, 1916.

Charles H. Hess, jr., to be postmaster at Blunt, S. Dak., in place of Nettie H. Beebe. Incumbent's commission expired April 6, 1914.

Bert E. Schroeder to be postmaster at Emery, S. Dak. Office became presidential October 1, 1916.

TEXAS.

Jonathan W. Duncan to be postmaster at Malakoff, Tex. Office became presidential October 1, 1916.

W. S. Nelson to be postmaster at Sterling City, Tex. Office became presidential October 1, 1916.

UTAH.

Joseph A. Sill to be postmaster at Layton, Utah. Office became presidential October 1, 1916.

VIRGINIA.

John C. Hudgins to be postmaster at Claremont, Va. Office became presidential October 1, 1916.

WASHINGTON.

John L. Field to be postmaster at Quincy, Wash. Office became presidential October 1, 1916.

W. W. Gwinn to be postmaster at Harrington, Wash., in place of F. M. Charlton, resigned.

WEST VIRGINIA.

J. Frank Grimet to be postmaster at Mount Hope, W. Va., in place of Charles M. Brown, resigned.

WISCONSIN.

Howard C. Hepburn to be postmaster at Prairie Farm, Wis. Office became presidential October 1, 1916.

Arnie M. Sanders to be postmaster at Marshall, Wis. Office became presidential October 1, 1916.

WITHDRAWAL.

Executive nomination withdrawn February 27, 1917.

Luther Byron Ballou, of Kansas, for provisional appointment as second lieutenant of Cavalry.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 27, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God, incline Thine ear and hear our petition. Help us, we pray Thee, to guide our frail bark through the tumultuous and stormy seas of this life, and bring us at last in Thine own good time into that haven of rest where peace and tranquillity reign supreme in Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLERICAL ASSISTANCE TO COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 511 (H. Rept. No. 1568).

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to employ such additional assistant clerks as may be necessary during the remainder of the Sixty-fourth Congress, the payment for services not to exceed the sum of \$250, to be paid out of the contingent fund of the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Speaker announced his signature to enrolled bills of the following titles:

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River; and

S. 8295. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report, and let me make just a brief statement.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to make a brief statement in lieu of the report. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Speaker, I suggest that the gentleman make a brief statement, and then we can decide whether or not to dispense with the reading of the report.

The SPEAKER. Is there objection to the gentleman from Tennessee making a brief statement?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, since the filing of this report the Senate has taken action upon another appropriation bill—the Indian appropriation bill—adopting the House provision with reference to the increase of salaries. The report now before the House recommends that the House yield to the Senate and adopt the so-called Smoot amendment.

That report was made as a result of the very firm, very positive, and insistent statements of all the Senate conferees on this particular bill and the Senate conferees on other appropriation bills carrying a like provision, that the Senate would never yield to the House and would insist positively and firmly and finally upon the adoption of the Smoot amendment. But since the Senate on yesterday afternoon adopted the provision of the House upon the Indian appropriation bill, I think that this report of the conferees upon the legislative bill should be rejected and sent back to conference, and I ask that that be done.

Mr. GILLETT. Mr. Speaker, will the gentleman yield to me five minutes?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. GILLETT. Mr. Speaker, I think I ought perhaps to make an explanation and possibly an apology to the conferees on behalf of the House and to the Senate for some remarks I made the other day on amendment numbered 17. That is the amendment where the Senate put in a provision for four clerks in the State Department, who would be in the classified service, and the House conferees amended it by the insertion of words which practically took those clerks out of the civil service, and in my remarks I criticized the conferees and said they were acting simply as a cat's-paw for the Senate, assuming that this patronage all went to the Senate.

Now, I wish to say, Mr. Speaker, that I found I was mistaken, and that the patronage, instead of going, as I assumed, to the Senate, went half to the Senate and half to Members of the House, and therefore I did an injustice to the conferees in saying that they yielded and gave this patronage exclusively to the Senate.

Now, it is very obvious, Mr. Speaker, why this was done. I confess it was astounding to me to find that the Senate put on this amendment providing for four clerks in such a way as to take them out of the civil service. Why the Senate had such a spasm of virtue is difficult to understand, and I suspect it was by accident rather than by design. [Laughter.] The result of the House amendment taking them out of the classified service was, as I understand, that two members of the House Foreign Affairs Committee got two of these clerks and two Members of the Senate got the other two. Of course it means that the Secretary of State was obliged to give this patronage to the members of the Committee on Foreign Affairs. I do not suppose it is because the Secretary of State thinks those Members will recommend any better clerks, or because they are any more intelligent or influential than any other Members of this House, or than the conferees; but it is because when the Committee on Foreign Affairs go to the State Department and urge upon them their friends for clerks the State Department will not dare to refuse, because as they are constantly asking that committee for legislation and appropriations they can not afford to offend them, but must propitiate them, and that illustrates the viciousness of such legislation as this, because it involves a reciprocal obligation between the State Department and the Committee on Foreign Affairs. If the State Department gives these influential gentlemen this patronage, then they expect, when their bills come before the committee, that the committee will have a friendly and obliged sense of gratitude toward them and will be apt to smooth the way for such legislation as they want. Each tries to oblige the other, and the United States bears the expense.

The conferees of the House suggested the amendment whereby, instead of having four clerks specified and classified as the Senate had them, they simply granted a lump sum, which takes it out of the civil service. The Committee on Appropriations for years—and I think the gentleman from Tennessee [Mr. BYRNS] and also the gentleman from Mississippi [Mr. Sisson] have been about as insistent as anybody in maintaining that position—have insisted that we ought to do away with lump sums, and that we ought to appropriate for individual classes; and yet in this instance the conferees of the House have moved an amendment granting a lump sum and so taking it away from the civil service and making it all a matter of patronage.

I am very much surprised that the gentleman from Tennessee [Mr. BYRNS] should have done this. In response to my question the other day the gentleman from Tennessee said that, of course, I appreciated that the conferees of the two Houses could not either of them have their own way, intimating he had yielded unwillingly to the Senate. In this case the gentleman could have had his own way by just keeping silent and leaving these clerks in the civil service, where the Senate placed them; but I venture to say that when he made this amendment there was no controversy with the Senate conferees about accepting it. They undoubtedly tumbled over each other to accept this amendment, and I should not be surprised if they themselves suggested it. I regret extremely that when the Senate had this unprecedented and inexplicable spasm of virtue the conferees on the part of the House should have come forward and thrown them a life line and pulled them out onto their usual vantage ground of patronage. I think it deserves the criticism of the House; and while I admit that I was mistaken the other day, and that the gentlemen were not mere cat's paws of the Senate, I do not know that it very much relieves them that the patronage was divided fifty-fifty between the Foreign Affairs Committee of the House and the Foreign Relations Committee of the Senate.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. MANN. The gentleman stated, as I understood him, that the Senate in a spasm of virtue took these clerks out from under the civil service.

Mr. GILLETT. If I said that, I misstated it. I meant to say that by what seemed to me to be an inadvertence the Senate put them in.

Mr. MANN. Put them into the classified service?

Mr. GILLETT. Yes.

Mr. BYRNS of Tennessee. Mr. Speaker, I am very glad that my friend the gentleman from Massachusetts [Mr. GILLETT], who shows so much familiarity with the question as to just where this patronage is going, has made a statement which confirms my statement of the other day to the effect that no one of the conferees of the House upon this bill and no member of the Appropriations Committee of the House has any of this patronage or expects to receive any of it. In so far as the suggestion of the gentleman from Massachusetts as to where this amendment really came from is concerned, I shall have nothing to say, because that was a matter that took place in conference. But I will say to the gentleman that the question of making this a lump sum appealed to the House conferees, and I assume to the Senate conferees, because of the fact that it is an emergency appropriation to enable the Secretary of State to employ clerks for emergency purposes. He may need them all the year. He may need them for only a portion of the year; and certainly, if I understand correctly, it has always been the policy of Congress in appropriations of this kind to leave a certain amount of flexibility so as to permit the Secretary of State to use the funds for the best interests of the service.

Mr. GILLETT. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. GILLETT. Will the gentleman tell me what difference it would make, in the line in which he now speaks, as to whether they had been appropriated for as proposed by the Senate or by the House? In either case they could have been used temporarily and dropped at any time.

Mr. BYRNS of Tennessee. The Senate amendment provided for four positions.

Mr. GILLETT. Which were then in existence.

Mr. BYRNS of Tennessee. One of class 4, one at \$900, and two at \$720 each, if I remember correctly.

Mr. GILLETT. Positions that were then in existence.

Mr. BYRNS of Tennessee. That would have made it necessary for the Secretary of State, if he had used this fund, to have employed only four clerks, and to have employed them for a year, whereas under the lump-sum appropriation he can employ 6 or 8 or 10, if he needs them, for a limited time. I do not know whether the Secretary of State intends to do that or not, but it simply gives him that privilege if he thinks best.

Mr. MANN. Will the gentleman yield to me just one minute?

Mr. GILLETT. I yield to the gentleman from Illinois.

Mr. MANN. I should like to make a little addition to what has been said. I have been told that this appropriation item to which reference has been made provides for taking care of four clerks in the State Department, two of whom were named by Democratic members of the Committee on Foreign Affairs of the House and two of whom were named by Democratic members of the Committee on Foreign Relations of the Senate.

Mr. GOOD. Will the gentleman yield to me three minutes?

Mr. BYRNS of Tennessee. I yield to the gentleman three minutes.

Mr. GOOD. I think the gentleman from Tennessee [Mr. BYRNS] is mistaken with regard to the policy of the committee and the policy of the House when he says it has been the policy of the committee to provide for these emergency employees in a lump-sum appropriation. Just the reverse is the case. If he will turn to page 35 of the bill he will find that we appropriated \$320,000 for the employees of the State Department. Two years ago the Secretary of State came before the committee, wanting to increase that by adding a great many of the various classes of clerks, but the committee thought it was better to place those in a separate paragraph, not appropriating a lump sum, and so we provided for the following additional clerks: Two of class 4, 4 of class 3, 5 of class 2, 10 of class 1, 12 at \$1,000 each, and so forth, \$54,000.

Then, in another paragraph, after naming certain persons who would do drafting work, and so forth, we said: Law clerks—2 at \$2,250 each, 1 at \$2,000, to be appointed by the Secretary; clerks—8 of class 4, 7 of class 3, 10 of class 2, 10 of class 1, and so forth; in all, \$72,880. We named the number of clerks of each class, and they had to be appointed from the classified list.

Mr. BYRNS of Tennessee. Now will the gentleman yield?

Mr. GOOD. After what we did here the Senate went to work and put on another additional paragraph, and named the clerks—1 of class 4, 1 at \$900, 2 at \$720 each—and what the

conferees did was to strike out that language and put in the lump sum, a thing altogether different than we had ever done before. While I am not disposed to criticize what was done in committee, I think the interpretation that has been placed upon the action of the conferees by the gentleman from Massachusetts [Mr. GILLET] is a natural interpretation, and one warranted by the facts.

Mr. BYRNS of Tennessee. Will the gentleman yield just there?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. The gentleman refers to the appropriation which was made two years ago for extra clerks and placed in a separate paragraph?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. The gentleman, I am sure, will agree with the statement that those clerks were appropriated for permanently. In other words, they were made a part of the permanent force of the department, and they were taken out from a lump sum which was appropriated the year before to enable the Secretary of State to secure additional services for emergency purposes.

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. So I repeat, that it always has been the policy and was the policy in this bill to make these emergency appropriations in lump sums, and it was only when it was made to appear to the committee two years ago that the clerks who had been employed out of this lump sum were necessary as a part of the permanent standing force of the department that they were taken in and appropriated for in the manner suggested by the gentleman.

Mr. GOOD. I will ask the gentleman in reply if it was not the understanding that they were provided for in an additional paragraph in order that they might be taken up and dropped as soon as the European war was over and the causes that made the employment necessary had disappeared?

Mr. BYRNS of Tennessee. That is correct; they were put in a separate paragraph for that reason, but they were intended to be a permanent force.

Mr. GOOD. A permanent force for the year, but with the intention of dropping them as soon as the reason for the employment had disappeared.

Mr. BYRNS of Tennessee. That is quite true. Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to dispense with the reading of the report. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments and ask for a conference.

Mr. MANN. Did we amend any of the Senate amendments?

Mr. BYRNS of Tennessee. The educational amendment, I think, was amended.

Mr. MANN. Then the gentleman wants to except that.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House further insist on its disagreement to all the Senate amendments except Senate amendment 58, and further insist on its amendment to Senate amendment 58.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. Amendment 62, providing for accounting officers—

Mr. BYRNS of Tennessee. That was concurred in by the House without an amendment.

Mr. MANN. Then the gentleman wants to except that. We do not want to insist on our disagreement to amendment 62.

Mr. BYRNS of Tennessee. But that amendment is not in disagreement.

Mr. GARNER. I think the gentleman from Tennessee has already made the proper motion in the beginning. There is no amendment 62 in disagreement.

Mr. MANN. Very well; I think the gentleman is correct.

The SPEAKER. The gentleman from Tennessee moves that the House further insists on its disagreement to all the Senate amendments except Senate amendment 58, and insist on the House amendment to Senate amendment 58 and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BYRNS of Tennessee, Mr. Sisson, and Mr. Good.

EXTENSION OF REMARKS.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the manufacture of small arms.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BATTLE FIELD OF GUILFORD COURTHOUSE.

Mr. DENT. Mr. Speaker, I desire to call up the conference report on House bill 8229, to establish a military park at the battle field of Guilford Courthouse, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read instead of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, one of whom shall be an actual resident of Guilford County, State of North Carolina, one an actual resident of the State of Maryland, and one an actual resident of the State of Delaware. They shall be appointed by the Secretary of War, the actual resident of Guilford County, State of North Carolina, so appointed to serve, unless sooner relieved, for a term of four years. The resident commissioner shall act as chairman and as secretary of the commission. One of the other commissioners so appointed shall serve for a term of three years, and the other for a term of two years, unless sooner relieved. Upon the expiration of the terms of said commissioners the Secretary of War shall, in the manner hereinbefore prescribed, appoint their successors, to serve, unless sooner relieved, for a term of four years each from the date of their respective appointments. The office of said commissioners shall be in the city of Greensboro, N. C. The resident commissioner shall receive as compensation \$1,000 per annum, the nonresident commissioners \$100 per annum each, and they shall not be entitled to any other pay or allowances of any kind whatsoever.

"Sec. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park."

And the Senate agree to the same.

S. H. DENT, JR.,
SAM. J. NICHOLLS,
JULIUS KAHN,

Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
H. A. DU PONT,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8229) to establish a national mili-

tary park at the battle field of Guilford Courthouse, submit the following written statement explaining the effect of the action agreed on:

The conferees substantially agreed upon the bill as it passed the House, except as to section 4. That section was changed so as to provide that the resident commissioner of Guilford County, N. C., should hold his commission for a term of four years, unless sooner removed, and receive a salary of \$1,000 per annum instead of \$2,000. Said section was further changed so as to provide that the other two commissioners should be appointed, one from the State of Maryland and the other from the State of Delaware, and should hold their commissions for a term of two and three years, respectively, as the Secretary of War might determine, and receive a salary of \$100 per annum instead of \$500. It further provides that upon the expiration of the terms of the several commissioners their successors should be appointed for a term of four years each.

Section 5 was reinstated just as it passed the House.

The Senate receded from its disagreements Nos. 2 and 4, and the House receded on No. 3. The latter simply strikes out such language as the conferees deemed unnecessary, to say the least.

S. H. DENT, JR.,
SAM. J. NICHOLLS,
JULIUS KAHN,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6286. An act to confer jurisdiction on the Court of Claims; to the Committee on the Judiciary.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The Clerk read as follows:

All expenditures of money appropriated herein for school purposes in Alaska for schools other than those for the education of white children under the jurisdiction of the governor thereof shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is the gentleman from New York able to say how much of the \$200,000 appropriated for the education and support of schools in Alaska is expended for education, and how much for other purposes?

Mr. FITZGERALD. We appropriate \$200,000 for the education of the Esquimaux, Aleuts, and Indians.

Mr. MANN. But how much is used for education, and how much is used for other purposes?

Mr. FITZGERALD. It is all used for education.

Mr. MANN. If the gentleman has not the information I will not ask him about it.

Mr. FITZGERALD. I know that it is all expended for education. Previously some was spent for medical relief, but we now provide for that in a separate paragraph.

Mr. MANN. They employ a lot of doctors and nurses.

Mr. FITZGERALD. But that is out of a separate appropriation.

Mr. MANN. No; they employ them out of this fund, besides a lot of other expenses.

Mr. FITZGERALD. We did formerly, but we do not now.

Mr. MANN. The difficulty is I happen to have read the report of the Commissioner of Education on the subject which came to us yesterday, and the gentleman from New York has not yet read it.

Mr. FITZGERALD. But that was for the year past; we are talking about the current year. I am up to date, and the gentleman is not.

The Clerk read as follows:

National Park Service: Director, \$4,500; assistant director, \$2,500; chief clerk, \$2,000; draftsman, \$1,800; clerks—1 of class 3, 2 of class 2, 2 at \$900 each; messenger, \$600; in all, for park service in the District of Columbia, \$17,600.

Mr. RANDALL. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 120, line 25, after the figures "\$17,600," insert: "Provided, That no part of the appropriations made in this act shall be expended for any purpose in any national park wherein a monopoly has been granted by any employee or officer of the Government to any lessee or permittee, concessionaire or other person, firm or corporation whatsoever."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. It is absolutely destructive of the proper management and control of the national parks. For many years visitors to the national parks have been severely criticizing the character of the accommodations that have been afforded by various concessionaires. The Interior Department, through the new National Park Service, after spending almost two years in negotiating with the various concessionaires, have finally, in nearly all of the national parks, entered into agreements whereby the hotel, camp, and transportation facilities have been put upon a basis that will insure to the visitors to the national parks decent and adequate and sanitary accommodations, with an adequate return to the Government for the privilege granted. These negotiations have taken considerable time to effect. Take the Yellowstone National Park, for instance. Heretofore the transportation through that park has been by horse-drawn vehicles. It took five days for the tourists to go through the park. There were several transportation companies. Now, the Department of the Interior has gotten together those who had the hotel privileges, those who had the transportation privileges, those who had the camping privileges, and by a series of agreements by which everyone who had some concession was protected, have arranged a system of automobile service by which it will be possible for the tourist to go through the park, if he so desires, in three days. Not only would it be possible for him to shorten the time of his visit, but arrangements have been made to eliminate insanitary conditions for the tourist and to provide him with decent accommodations. Such arrangements could not have been made unless some provision was possible by those who had to invest very considerable sums of money were insured of some return upon their investment.

The arrangements that have been made have all been made upon a profit-sharing basis for the Government. The Government is to receive in most of these agreements 50 per cent of the profits of the enterprise, and after what has been done, the efforts that have been made to improve the park service for the benefit of the tourist, it would be an outrage at this time to adopt such an amendment. If it were adopted, persons who have invested very large sums of money for automobiles in some of these parks would suffer great loss. In the Yellowstone National Park my recollection is that it required an investment of nearly half a million dollars to provide the automobiles necessary to accommodate the traveling public. That concession in its nature is essentially an exclusive concession, and the adoption of such an amendment as this would deprive these people of the opportunity to carry out their agreement and would make them suffer irreparable financial loss. For these reasons the amendment is not only unwise, but it is absolutely indefensible and ought not to be agreed to.

Mr. RANDALL. Mr. Chairman, the gentleman from New York makes a very plausible address in favor of monopolies. I do not know what has happened in other parks, but I do know what has happened in the Yosemite. Five thousand private automobiles went into this park last year and they found accommodations like this: There was but a single place at which they could buy gasoline in the Yosemite National Park, and another concessionaire in the Yosemite Park begged the authorities to be permitted to sell gasoline for 10 cents a gallon less than the exclusive concessionaire sold it for. The man who goes into that park will find that there is but one garage in which he can have repairs made, and that there is no competition whatever. The business has grown to an extent where there is plenty of business to have actual competition. The exclusive contracts which have been entered into by the Interior Department have resulted in making the Yosemite National Park a park for rich people, and a park for poor people to keep out of.

Mr. BORLAND. Mr. Chairman, I am satisfied that the evil that the gentleman from California strikes at is purely an ad-

ministrative matter, a matter of regulation, and I am satisfied that he does not intend to go as far as his amendment would go. As the chairman of the committee has explained, it has taken some time to bring these accommodations in the national parks up to the demand of the present traveling public.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. RANDALL. There have always been plenty of accommodations in all of these parks, transportation and otherwise, of the very finest kind.

Mr. BORLAND. Mr. Chairman, the demand has been growing in recent years faster than accommodations grew, and when a demand grows and a larger number of people go into the parks a stricter regulation is necessary from a sanitary standpoint, fire protection, and from the standpoint of the convenience and comfort of the traveling public, and in every other way. This park service has worked out a plan of that kind on the profit-sharing basis, and they have taken away the incentive for extortionate charges in two ways: First, by reserving the right to regulate these charges; and second, by regulating the gross amount of profit that the concessionaire may make, providing for a division over a certain return upon his investment. Those two ways are the best ways that have been found to correct this evil. It was not at all apparent that if there was the freedom of competition that the gentleman dreams of there would not be a combination formed overnight among the people who happen to be selling gasoline in a particular park.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. JOHNSON of Washington. Is it not a fact that by means of regulation the system of charges are not only for admission of automobiles in all of the parks, but other charges have been made uniform so that the touring public will know what the charges will be?

Mr. BORLAND. They are being made uniform, and our opinion is they are reasonable. Under the circumstances necessarily they are higher than they would be in the large cities where there would be a great many accommodations. Men do not transport repairs and gasoline a long ways and wait for business unless there is a profit to justify it, and the matter about which the gentleman complains is purely an administrative one.

Mr. TAYLOR of Colorado. Is it possible for one garage to take care of 5,000 cars in the short time they go in there?

Mr. BORLAND. I do not understand that 5,000 cars all stop for repairs or 5,000 stop for gasoline.

Mr. FITZGERALD. Five thousand cars go in in the course of an entire year, as the Yosemite Park is open all the year round.

Mr. TAYLOR of Colorado. I know, but 5,000 cars are a great many for one garage to take care of.

Mr. BORLAND. The gentleman realizes there is a town called El Portal only a few miles from the entrance gate—

Mr. HAYES. Twenty miles.

Mr. BORLAND. About 20 miles from El Portal to the gate of the park, and the chances are the number of people who are compelled to have repairs made and buy gasoline out of the 5,000 is rather limited.

Mr. TAYLOR of Colorado. The charges are extortionate.

Mr. BORLAND. I do not know the charges are extortionate, I think that is a matter that ought to be submitted to the Interior Department.

Mr. HAYES. Will the gentleman yield to me for a suggestion?

Mr. BORLAND. Yes.

Mr. HAYES. I do not know that an act of Congress is necessary; it may be a department regulation can correct it; but there are a great many abuses in the national parks like the gentleman from California, my colleague, has suggested. For instance, last summer, to my personal knowledge, gasoline went from 25 cents a gallon in the national park up to 39 cents a gallon, where it stayed nearly all the summer, and finally got up to 50 cents, so I am advised, though I do not know it of my own personal knowledge.

Mr. FITZGERALD. The gentleman realizes that persons transporting gasoline into the national parks for sale are put to a freight charge?

Mr. HAYES. But the men who charge that are absolutely without excuse. It is due to the fact that certain men have the monopoly for the sale of gasoline, and let me suggest one thing more, which I know personally, and that is the garage man has an exclusive right for the garage and the charges were extortionate.

Mr. BORLAND. Let me remind my friend from California that the charges for the ordinary tourist through the parks have not only been kept down, but in some cases actually decreased, and the grade of accommodation in lodging, food, and transportation has been increasing for the amount that has been charged the tourists. This is an isolated case about the gasoline. In every respect these charges have worked fairly and uniformly for the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I can not subscribe to the policy inaugurated by the National Park Service of placing a penalty in the way of charges upon all tourists who happen to visit our national parks, a new policy, in order to save the Government, perhaps, some appropriations for maintenance and to have the Government become a profit sharer to the extent of 50 per cent of the net profits arising from these various concessions. If the Government is going to receive 50 per cent profit, it naturally follows that the charges must be higher.

I can not favor the position that our national parks, those greatly beauty places in the western part of the country, should be used as a means of profit sharing by the National Government. Nor can I subscribe to the new policy recently inaugurated under this National Park Service of monopolizing concessions in these respective parks. If I had not seen the actual effect of monopoly during a three weeks' stay in the Yosemite National Park, where it was my privilege to go into every nook and corner of that wonderland, I would not here to-day be speaking in advocacy of the amendment offered by the gentleman from California.

Mr. FITZGERALD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. FITZGERALD. The gentleman was in the Yosemite National Park two years ago, and there was no monopoly. How could he know the effect that did not exist when he was there?

Mr. STAFFORD. The gentleman says there was no monopoly. I beg to differ with the gentleman. There was a monopoly there in the way of transportation of passengers from the valley over to the Mariposa Grove of large trees. Those charges were so extortionate that tourists complained of the high prices exacted, not only of the charges from the valley over to the Mariposa Grove of large trees, but from El Portal, the terminus of the railroad, over to the valley. When the new service was inaugurated of taking tourists by way of the Coulterville Road to El Portal the charges were cut. It was an independent concession whereby the charges were reduced, but the department afterwards declined to grant another privilege to any automobile concern taking tourists from the valley over to the Mariposa Grove of trees. Now, not only was this the case so far as the Yosemite is concerned, but it is a similar case that was called to my attention as to the Yellowstone. As to the Yellowstone I called the attention of the committee last year when this bill was under consideration that there were two concessionaires who had the privilege of hotel and camp accommodations, and then there was another camping company, whose name I now forget.

The third company that was in business there for one year had reduced the prices decidedly, so as to accommodate the poorer class of people who would come into the park. What did the administration officials of the National Park Service do but drive this company that was granting lower prices to the public generally out of the park and refuse to give them a concession.

Mr. FITZGERALD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. FITZGERALD. That was because the sanitary condition of the camp they maintained was so bad it was absolutely a menace to the health of the people.

Mr. STAFFORD. That was not the reason. If they wanted to correct insanitary conditions all they had to do was to call them to their attention.

Another condition in the Yosemite National Park was that they charged \$5 for any automobile coming into the park, not permitting it to be used in any way whatever while in the park except to come in and go out. The charge of \$5 was a tax for coming into the park. Quite a few were Ford cars with camping outfits on them, with cots on the side. Poor people from California and from even far-distant States, coming there to stay two or three days, were penalized with a \$5 entrance fee into the park. This condition is going on. The present administrative officials want to make a showing, but, gentlemen, there is something fundamental here. You can not approve the policy of charging an admission price for those who are privileged to go into those parks, but that is the system that is now being inaugurated under this national-park management. They are paying, it is true, to the Government 50 per cent of the receipts.

The CHAIRMAN. The time of the gentleman has expired.
Mr. STAFFORD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN (Mr. HAMLIN). The gentleman from Wisconsin asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. As in the case instanced by the gentleman from California in the sale of gasoline, 50 cents per gallon is being charged, not to the wealthy alone, but being charged to all users; and those who come by automobile into the Yosemite National Park are those, so far as I saw, or a majority of them, using the cheaper grade of car, costing less than \$1,000. They are the ones who are paying the tax.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. JOHNSON of Washington. What does the gentleman think would be a fair price for gasoline at a mountain resort in a national park?

Mr. STAFFORD. Anyone who knows anything about the accommodations up there in the Yosemite knows it is not difficult to get commodities up there. The valley is only 16 miles from railroad communication. There is a fine macadam road leading from El Portal into the floor of the valley, without a steep grade, and articles of merchandise are shipped in there by parcel post. That road is open the entire year. The question would depend entirely on the facility with which these commodities could be brought into the park, but so far as the Yosemite is concerned there is no warrant whatever, in view of the proximity to the oil fields of California, for charging 50 cents a gallon for gasoline.

This new park service wants to drive out these independent camp-site proprietors who have been furnishing good accommodations at reasonable rates. They succeeded so far as the Yosemite was concerned in driving out one or two of those concessions. Who is paying the price? The public. Does the gentleman from Washington believe that we should penalize the tourists of the country and exact admission fee to the extent of many dollars of all those who enter the park? Does he think it is right to charge the owner of a Ford automobile coming into the park, \$5 merely for entering the park and going out again?

Mr. BORLAND. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BORLAND. Does the gentleman think we ought not to derive any revenue at all from the parks?

Mr. STAFFORD. I do not believe we should put any tax whatever or price of admission whatever upon those coming into the parks. I believe those parks should be free to all who happen to be in that neighborhood.

Mr. BORLAND. Let me ask the gentleman this question—

Mr. STAFFORD. They should not charge an admission fee to a pedestrian or an admission fee to the user of an automobile, and especially you should not when the automobiles do not destroy the roads; but these truck companies that have exclusive concession from El Portal up the valley and charge exorbitant rates tear the roads up. It is a case of favoritism only.

Mr. BORLAND. What is the logic of the gentleman's position? That we should not charge the concessionaires anything whatever? He says they are the ones who tear up the roads. Does he think the man that goes through there with an automobile ought not to pay anything toward the upkeep of the roads?

Mr. STAFFORD. He should not. The road should be open and free.

Mr. BORLAND. And yet he says the concessionaire is the man who tears up the road.

Mr. STAFFORD. If the gentleman had been up there any length of time he would agree that it was the truck cars which impair the roads.

Mr. SINNOTT. I will say that in 1915 in Crater Lake Park, in Oregon, 20 miles from where they charge 35 cents a gallon for gasoline, they charged in the park 60 cents, and on a road built by the Government.

Mr. STAFFORD. There can be instance after instance cited of this monopolistic feature of the National Park Service. There can be no question that under the old system the tourists had the benefit of reasonable charges.

The fact is that in those various camps in the Yosemite they have different grades and prices, according to the different grades of service, and you can get service as low as \$12 a week. Now it is proposed to raise the price to \$18 a week, so that the proprietors can afford to pay 50 per cent of it to the National Treasury. I am not in favor of that policy of calling upon the public to pay for a portion of the support of our national parks.

Mr. RAKER. Mr. Chairman—

Mr. FITZGERALD. Mr. Chairman, can we agree upon time as to this amendment?

Mr. MONDELL. There are three gentlemen here who would like time.

Mr. FITZGERALD. I ask that the debate on the pending amendment and all amendments thereto close in 25 minutes.

Mr. MONDELL. There are three gentlemen on this side who want time.

Mr. RAKER. I have already been recognized.

Mr. FITZGERALD. There are two on this side—the gentleman from California [Mr. RANDALL] and the gentleman from Kentucky [Mr. SHERLEY]. Make it 30 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on the pending amendment and all amendments thereto close in 30 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the gentlemen who were indicated are the gentleman from Massachusetts [Mr. GILLET], the gentleman from Wyoming [Mr. MONDELL], the gentleman from California [Mr. HAYES], the gentleman from California [Mr. RANDALL], and the gentleman from Kentucky [Mr. SHERLEY].

Mr. MONDELL. Mr. Chairman, in the nature of things, all of the privileges granted to do business in the national parks are in the nature of monopolies. It would not be wise or practicable to allow anybody and everybody to go into the national parks and do business. It would not be safe, and it would not be in the interest of the public, and it would not conduce to economy or good service.

Now, it is true that under the present management of the national parks there is, I think, too much of a tendency and a disposition to grant exclusive privileges. I have had some talks on this subject with the very able and very conscientious gentleman who has given his time and worked earnestly in the management of the parks, Mr. Mather, who is now ill by reason of the hard work and close application he has given to this service. I have suggested to him that in my opinion it was possible they were going a little too fast and a little too far in the matter of granting exclusive privileges. But there are certain classes of privileges, there are certain classes of services in the parks that must in the nature of things be monopolistic. We are just starting an automobile service in the Yellowstone Park, and that automobile service is to be rendered by a company composed of those associations who have heretofore been exercising the privilege of carrying passengers through the park. They have organized one company out of the five companies, I think it is, that have been heretofore operating. The Secretary has fixed the charges as he fixes the charges in all these cases. He determines the class of their equipment and he regulates absolutely the conditions under which the service shall be performed. For the present at least it seems to me that is the only practical way in which we can handle the automobile situation in the Yellowstone Park at this time. It would be prohibited by this amendment.

Mr. TILSON. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. TILSON. Suppose the regulation was entirely taken away and there was no regulation. What would be apt to be the condition so far as the public safety and convenience were concerned?

Mr. MONDELL. Endless confusion and infinite harm to the public, beyond all question. I think the gentleman's question answers itself. There must be regulation, there must be control; and in the nature of things, there must in some cases be exclusive service in the hands of one person or organization.

Mr. ELSTON. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. ELSTON. Is it the purpose of this amendment to provide that anybody who puts in an application upon terms submitted by the department shall be granted a permit, and that in that way it will be a free-for-all proposition, come one, come all?

Mr. MONDELL. I do not know what thought is in the mind of the gentleman who offered the amendment, but I know this is the fact, that the very proper arrangement which has been made in the Yellowstone Park relative to automobile service could not be carried on under the gentleman's amendment.

Mr. RANDALL. Why could it not be carried on?

Mr. MONDELL. Because it is in the nature of a monopoly, and the gentleman proposes there shall be no monopoly. It is a regulated monopoly. The Secretary insists that the cars shall be good, that the chauffeurs shall be men who have taken an examination, and who have been proven to be capable and safe, and it is a good service. It may be the service has in some

cases gone too far in providing for exclusive privileges, and that some of the rates and charges are too high, but that can all be remedied without breaking down the entire system.

Mr. HAYES. I have no desire to criticize the assistant to the Secretary of the Interior, Mr. Mather. I think he has spent a great deal of time and strength on the management of our parks and has done more for them than any other man who has occupied any position in connection with the Government since I have known anything about them; but I think he is making a mistake along the line of granting monopolies too generally. I wish to state that the amendment of my colleague does not contemplate any free-for-all proposition. It does not deny to the Secretary of the Interior or to the officers of the park the right to make reasonable regulations as to automobiles or anything else. It does not deny the right to make reasonable charges for entrance to the park or for any convenience that may be offered to tourists. It only strikes out what seems to me to be a very great abuse, and that is the monopoly. It may be that no action of Congress is needed to correct the abuses complained of; that can possibly be done by administrative rules. As indicating what can be done in a park in the absence of monopoly, when there is healthy competition, I want to call your attention to the five camping companies that are now operating in the Yosemite Valley. We have five camps there, all operated in competition with one another. And after a personal experience in the park and trying those camping companies, I want to say that you can not find any place where you will get better accommodations, better service, or more reasonable prices for the accommodations which are offered than you can get at the camping sites in the Yosemite Park. To be sure they are all regulated. They are obliged to conduct their camps in a sanitary way. That is proper, and this amendment does not interfere with that. It only strikes at the monopolistic tendency in connection with the parks, which sometimes permits extortionate charges to be imposed on those who visit the parks, and that is the thing I am against.

Mr. GILLET. Mr. Chairman, I am all the time trying to find something done by this Democratic administration which I can compliment and praise, but I am sorry to say it is not very often that I succeed. But I am happy to say that in this matter of the regulation of the national parks I think the Interior Department is entitled to universal gratitude and praise. I went out a year ago and investigated nearly every one of our big national parks, and in the committee I have heard the program explained which the department is laying out, and I think it is a magnificent and wise program for the whole country. I am not surprised that the gentleman from California can find objections. I do not believe that the administration features of this program are perfect. They can not be, and I have no doubt the gentleman from California has constituents who have not been allowed to do just what they wanted to, and so the Congressman has been obliged to come here and complain. But if there are any people who ought not to complain, they are the citizens of California. They are the ones who are getting the benefit of the national expenditures on the national parks. They turned over the Yosemite to the Government, and they have been pluming themselves on their generosity; but what it meant was that they transferred the expense to the Government, and they are still reaping all the advantages. The money which is spent there by the tourists provides a constant flow of money into California. The expenditures that are made there go to California contractors, and it is the citizens of California who are near by and get the most advantages from that park. And while, of course, here and there, there may be a case where they can not do just what they would like to, I do not think it lies in their mouths to criticize. Of course, the word "monopoly" always excites discontent, but in those parks, away off in the wilderness as they are, you must have strict control, and I think the Department of the Interior is regulating them admirably.

Mr. RANDALL. Will the gentleman yield?

Mr. GILLET. Yes.

Mr. RANDALL. Does the gentleman think it is in the interest of good administration to provide that visitors shall have only one place where they can buy gasoline, or only one place where they can take their machines, or only one place where they can buy photographs?

Mr. GILLET. I think so. I think they are mighty lucky to get any place, and if you should do without administration or regulation, perhaps you would not have any place very long.

Mr. RANDALL. We have had for 20 years.

Mr. GILLET. No; you have not had it 20 years. You have not had automobiles there for 20 years.

Mr. JOHNSON of Washington. Does not the gentleman think the State of California would be glad to take the park back and operate it?

Mr. GILLET. I would be glad to give it back to them and let them operate it themselves. I venture to say they would not take it. The Government is spending money there largely for their advantage. I do not suppose all this administration is perfect, but back there in the woods, in order to have a sanitary, well-regulated system of hotels, where persons who want to pay different prices can be sure to get appropriate accommodations, you must have at the beginning some strong control, and I think the Interior Department is very wisely furnishing it. But they are not doing it to oppress; they are doing it from a public-spirited desire to accommodate the public travel, and they are only limiting it so far as they think it is necessary for sanitation and health and comfort of the people. In the Yosemite it is not easy to get a man or a company to go and invest a large sum of money with the uncertainty that there is, unless they are going to have some satisfaction from the Government as to the prices and permanency. The Government can only give them an assurance for certain things.

The CHAIRMAN (Mr. GARNER). The time of the gentleman has expired.

Mr. RANDALL. Mr. Chairman, I notice that gentlemen who oppose this amendment touch very lightly on the word "monopoly." Reports from Yosemite Park state that 5,000 automobiles entered the Yosemite last year, and they were compelled by the new policy of the department to buy their gasoline, to get their repairs, and even to park their machines in the spot designated by this single concessionaire in the park. The business of the park has grown so that there should be competition. Now, Mr. Chairman, I want to yield a part of my time to the gentleman from California [Mr. CURRY], who was not in the House at the time the arrangement for time was made.

Mr. BUTLER. The gentleman can not yield any part of his five minutes.

Mr. SHERLEY. There is no objection to the gentleman from California using the balance of the time if he desires; but I want five minutes to close the debate.

Mr. MANN. Mr. Chairman, I did not know that any arrangement had been made with reference to time. I want five minutes on this, and I ask unanimous consent that at some time I may have five minutes.

Mr. RANDALL. Mr. Chairman, I ask unanimous consent that the balance of my time may be used by my colleague [Mr. CURRY].

The CHAIRMAN. The gentleman from California asks unanimous consent that the balance of his time may be used by his colleague [Mr. CURRY], and the gentleman from Illinois asks unanimous consent that following the address of the gentleman from California he may have five minutes. Is there objection? The Chair hears no objection.

Mr. KENT. Mr. Chairman, I ask unanimous consent to speak for three minutes after the gentleman from Illinois has concluded.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FITZGERALD. I will not object to this, but I will to any further requests.

There was no objection.

Mr. CURRY. Mr. Chairman and gentlemen, it is possible that under the arrangement this year the conditions, so far as the ordinary man visiting the Yosemite Park is concerned, may be better than it has been in the past; but that I do not know. I know under the policy of the department the ordinary man is not made welcome in these public parks. The Government is a partner in the profits, receiving 50 per cent; and all the department seems to care about it is the payment of the money into the Treasury in Washington. So far as making it comfortable and convenient for the ordinary man, he is not welcome unless he is a man willing to spend lots of money and go to the Desmond Hotel. If he does not do that, he receives no consideration. The department tries to compel every one of the small concessionaires to take a subconcession from Desmond. Desmond says he had an arrangement with the park that they have to take such concession. This the department denies, and I believe the department. The small concessionaires came to Washington and fought against it; but the small concessionaires have 1 year and Desmond has 20 years.

Desmond charges 10 cents a gallon more for gasoline than you can get it for outside of the park. When you go in in an automobile you have to go to the Desmond garage to have your automobile repaired. The park charges \$5 when you bring it into the park, and you are not permitted to use it in the park.

A friend of mine in Sacramento rented his automobile to four people who had secured employment on a bridge on the other side of the Yosemite Park. The people used the automobile to travel to their place of employment, went to the Yosemite Park, paid \$5 entrance fee, and when they got within 300 yards of the other end of the park they were stopped by one of the forest rangers on a telephone message from the hotel, and were stood up and asked, "Who owns this automobile?" The gentleman who drove it said, "I own it." "Who are these people in it?" "I am taking them through to go to work." "Did they pay you for their passage?" "Yes; they did. They had to be in a certain place at a certain time." "Well, you can not go through here in this automobile; you turn around and go back." They said they would go through, and then the forester drew his revolver and made them go back; and they had to make a detour of 90 miles. When they got to the entrance of the park they were refused the return of the \$5 which they had paid.

Mr. RANDALL. Desmond has a contract for exclusive service.

Mr. CURRY. Yes; he has a contract for exclusive service in the park. And they were told if they wanted to go through the park the automobile could go through and meet them on the other side, but they would have to go back to the entrance and go through in a Desmond automobile.

Mr. Mather, who has charge of the parks, is conscientious and a hard worker. He takes more interest in the parks than any man who ever had charge of them. But the policy of granting a monopoly of the concessions is not in the interest of making the parks a playground for the ordinary people.

Mr. MANN. Mr. Chairman, I am a believer in parks, a believer in having parks free. I doubt whether the Government ought to charge anything for entrance into any park. And yet we have to have park management. The present man in the Interior Department in charge of park work, Stephen T. Mather, is the best man the Government has ever had in connection with parks, in my judgment. [Applause.]

I was at one time connected with the great South Park, in Chicago, as its attorney and have some slight knowledge of the difficulties that arise in regard to park management. There never was a theater built or operated that did not offend some patron at times. There never was a restaurant or hotel which gave satisfaction to everybody who entered it. There never will be a park operated which does not bring friction with some one who goes in. Some people when they are given something, even at a nominal cost, want the whole earth turned over to them for their use.

Now, the present management of the parks is trying to make the parks serviceable to the people and make them accessible. The gentleman from California complains because you can not buy gasoline in two places. Great Caesar! one place is enough to buy gasoline if you can buy it. You do not want to buy it from two places at once. Why limit it to 2; if you have more than 1 why not have 40? It may be that they charge too much for gasoline; they do outside the park, as every man knows who operates an automobile, or at least he thinks they do when he comes to pay the bill; but the Government regulates the price at which gasoline is sold in the parks; the Government has control. Very likely mistakes are made, but there is no mistake that the park service makes which would be so bad as the mistake of the House of Representatives in undertaking to determine the details of park management. What do we know about it? Some gentlemen have been through the parks. Those who have been treated well or whose livers were in good order think the park management is fine, while those who had some complaint or whose livers were out of order think the park management is bad. I know the park management is better now than ever before, and I am quite content to let these gentlemen operating the parks see what they can do to make the parks open to the public, accessible to the public, and for the benefit of the public. [Applause.]

Mr. KENT. Mr. Chairman, I am familiar with the situation in regard to park management, especially with regard to the Yosemite Park, or where the chief complaint from which emanates this ill-advised amendment seems to rest. I know that the national park management considers, first of all, the welfare of the public. I am certain of this from intimate knowledge of its plans and its doings. I do not doubt that mistakes have been made, and that future mistakes may be made, but this talk about monopoly and the crime of monopoly in the regulation and control of concessionaires in the parks seems to me absurd. If national authority shall assume, as it should assume, control of the sanitary situation or of the water supplies, if we are going to see to it that people are liberally and properly treated

in their transportation charges and their hotel or camp charges, I should like to know how it can be done if we shall permit an unlimited number of unregulated concessionaires who will charge what they desire or what they can get, and who, even with good intentions, may be physically and financially unable to render adequate service.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. KENT. I decline to yield. I assert from personal knowledge that any charge that has been made that the park management is working first for favorite concessionaires, and secondly for the public, is absolutely false. In the interest of the public I believe that monopolies may necessarily be established. It may not be necessary to have them in all cases, but, on the other hand, in some cases there is no other plan possible, and I, with the gentleman from Illinois [Mr. MANN], agree that this present national park management is in the best of hands, and that we had better let it alone and not belie its service or disorganize its work and drag it down.

Mr. SHERLEY. Mr. Chairman, all that needs to be done to see the unwisdom of adopting the amendment offered by the gentleman from California [Mr. RANDALL] is to read it. It provides that none of these moneys shall be expended wherever a monopoly has been permitted. It does not matter whether that monopoly relates to the sale of gasoline or to the most trivial thing in connection with the park. The situation in regard to the park is somewhat peculiar. A great propaganda has been carried on in America for the development of our parks and their rapid development, particularly by the railroads and the people near to the parks, who get most of the benefit from the development, and who are the first to complain if they are called upon to bear any of the burden. It is but another illustration of the constant talk about the duty of the Government and the neglect of duty on the part of the citizen. Comparison is made with European parks, where the population is dense, and we are asked to expend great sums of money.

One of the difficulties in the past has been to get private individuals to invest sufficient money in the way of improvements in the parks, in hotels, and transportation service, unless they could have a sufficient guaranty of time to make their investment profitable. It is highly desirable that there should be sufficient inducement given to private capital to build hotels and inaugurate transportation systems that are needed, subject always to regulation by the Government, and, in order to do this, monopoly under regulation in some instances has been justified. If there have been, as there may have been, individual instances of bad judgment or of bad regulation, the remedy is not for Congress to upset the entire system by a proviso such as is offered, but to take that matter up with the departmental officials and have it remedied.

Complaint is made in regard to the payment of a charge by automobilists. I insist that there not only ought to be a charge paid by automobilists, but a charge generally to people who visit the park, and I will tell you why. We are spending this year \$700,000 for the parks, and we were asked to expend a great deal more than that. If they are to be developed at all rapidly, we have got to spend considerably more. We get now in revenues \$172,000, which is put back into the parks, used in the development of them, and some \$4,000 which is turned into the General Treasury. There are less people visiting the Yosemite Park during the entire year than visit Rock Creek Park and the Zoo Park on a bright Sunday morning. There are less people going into the Yellowstone Park during the entire year than go on two Sundays to the Zoo Park out here. There is a great deal of talk about people visiting the parks. The number that goes there is insignificant to the whole hundred millions of people who are being asked to bear the burden that benefits but a limited few. I am willing to have the Government do much for the parks, but I do not think it is unreasonable to ask the man who goes there to pay a little something and then to use that for quicker development of the parks than they would get otherwise. Any man who goes into the Yellowstone or the Yosemite or into any of the other parks expends a sum of money that makes a few dollars tax on his entering the park insignificant to his expense in going, and it would simply result in developing these parks 20 years earlier and would be in the interest of these localities, if their absolute selfishness did not blind them to every obligation. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the Chairman announced the yeas appeared to have it.

On a division (demanded by Mr. RANDALL) there were—ayes 7, noes 83.

So the amendment was rejected.

The Clerk read as follows:

Yellowstone National Park: For administration and protection, including not exceeding \$600 for maintenance and repair of horse-drawn and motor-driven passenger-carrying vehicles for use of the superintendent in making inspections of the park, \$5,500: *Provided*, That no part of this appropriation or the revenues of the Yellowstone National Park shall be used for payment of salaries for the protection of the park, authorized by the act of March 3, 1883, to be performed by the detail of troops.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to know just what this proviso is intended to accomplish.

Mr. FITZGERALD. The proviso is to compel the return of troops to the park for the purpose of policing it to protect it from trespassers and to protect the game. Last session of Congress a request was made for civilian rangers to take the place of troops. Congress declined to adopt the recommendation. About a month after Congress adjourned the troops were taken out, Fort Yellowstone was closed, some of the buildings desired by the management were turned over to the park officers, a number of noncommissioned officers that the park service selected were given their discharge and employed in the park service at a compensation of \$1,200 a year as rangers to do the work that under the law must be done by troops.

Mr. MANN. Were not these troops needed down on the border? What do we have troops for in time of emergency or threatened war except to send them to the front? Is not that the place for troops?

Mr. FITZGERALD. Yes; but they were not needed.

Mr. MANN. What is the gentleman kicking about then?

Mr. FITZGERALD. They were not needed.

Mr. MANN. They were needed on the Mexican border.

Mr. FITZGERALD. They were not.

Mr. MANN. They certainly were needed on the Mexican border.

Mr. FITZGERALD. They were not.

Mr. MANN. We sent a lot of the National Guard down on the Mexican border. Does the gentleman want to send the National Guard down to the Mexican border and keep a few trained men watching a park to see that nobody steals the park? A more ridiculous proposition could not be submitted to a civilized assembly.

Mr. FITZGERALD. Those troops were not required in place of 125,000 militia.

Mr. MANN. The troops may not have taken the place of 125,000 National Guards, but if the Regular Army is to be believed that number of troops would have been in the place of a regiment of the National Guard.

Mr. MONDELL. Will the gentleman from New York yield?

Mr. MANN. The gentleman from New York does not have the floor; but I yield.

Mr. FITZGERALD. I yield; I can yield, too.

Mr. MONDELL. I merely desire to say to the gentleman from Illinois that as a matter of fact they did not send these troops to the border. They separated them from the service and kept them there as civilian rangers.

Mr. MANN. Well, they should have sent them to the border; that is where they belonged.

Mr. FITZGERALD. Oh, they did not.

Mr. MANN. The gentleman from New York did not know that, or he would have given the information; and I have some doubt about the gentleman from Wyoming knowing it.

Mr. FITZGERALD. We know what we are talking about, and that is why we are so good natured about it.

Mr. MANN. Because the gentleman knows nothing about it; that is why.

Mr. KING. Mr. Chairman, I move to strike out the last word. Mr. Chairman, ever since 1 o'clock yesterday afternoon and a few minutes thereafter I have been wondering what the President of the United States wanted us to do—

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman's discussion is not germane to the bill.

The CHAIRMAN. The gentleman makes the point of order—

Mr. KING. Will the gentleman withhold his point of order?

Mr. FITZGERALD. Debate must be confined to the subject matter of this bill.

Mr. MANN. Can not the President of the United States be referred to in connection with the national parks?

Mr. FITZGERALD. I know the gentleman intends to make a speech on another matter than this bill.

Mr. KING. The gentleman is entirely wrong, it is something of interest to the gentleman, and furthermore it has to do with the defense of our national parks against a foreign enemy. [Laughter.]

Mr. FITZGERALD. I have been so much misled by the introductory remarks, perhaps it is, but will the gentleman sus-

pend? Mr. Chairman, I made the point of order, and I will withdraw it, but I desire to make this statement: This bill must get to the Senate to-night. It can not come up in the Senate if it passes to-night before Thursday, and for that reason I intend to insist that debate be confined to the bill and to be germane to the matter. There will be lots of time after this is out of the way to indulge in these random remarks of various kinds, but I hope Members will cooperate and help us pass the bill. I will not object, as I did not, to the gentleman from California, but I will hereafter.

Mr. KING. I thank the gentleman very much for his courtesy. Since yesterday I have been wondering why the President of the United States was before us asking, as he did in his message of yesterday, the following:

I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will—rights recognized time out of mind by all the civilized nations of the world.

Therefore I wanted to call the attention of the committee, at an early moment if I might, to a certain decision of one of the courts of this land which has not been overruled by the Supreme Court of the United States, and a decision upon this subject. It may help some of us in arriving at a conclusion as to just what the President of the United States asked yesterday afternoon when he addressed us at 1 p. m.

This is the case of Calvin Durand against George N. Hollins, and is to be found in Blatchford's Reports, volume 4, page 451, and is as follows:

CALVIN DURAND VS. GEORGE N. HOLLINS.

It is a defense to an action of trespass brought against an officer of the Navy of the United States, for destroying property by the bombardment, by a naval vessel of the United States, of which he was in command, of a town in a foreign country, that he caused the place to be bombarded in his capacity as such officer of the Navy, by virtue of lawful and public orders from the President of the United States and the Secretary of the Navy.

The interposition of the President to protect abroad the lives and property of citizens of the United States, is a matter resting in his discretion; and, in all cases where a public act or order rests in Executive discretion, neither he nor his authorized agent is personally civilly responsible for the consequences.

(Before Nelson, J., Southern District of New York, September 13, 1860.)

This was an action of trespass, brought to recover damages for the destruction by the defendant of property at San Juan del Norte, Nicaragua, otherwise called Greytown, on the 13th of July, 1854. The defendant, among other defenses, pleaded that he was a commander in the Navy of the United States, and, as such, commanded a vessel of war called the *Cyane*, and was bound to obey the orders of the President of the United States, and of the Secretary of the Navy; and that, by virtue of lawful and public orders of the President and Secretary, he did cause the place called Greytown, by the naval force of the United States to be bombarded and set fire to, and which are the same alleged trespasses set forth in the declaration. There was, also, a plea setting forth, in addition to the facts above stated, that the community at Greytown had forcibly usurped the possession of the place, and erected an independent government, not recognized by the United States, and had perpetrated acts of violence against the citizens of the United States and their property, and had, on demand for redress, refused it, and that the defendant, under public orders from the President and Secretary, as a commander in the Navy, and then in command of the *Cyane*, did cause the place to be bombarded and set on fire, as he lawfully might for the cause aforesaid. To these pleas the plaintiff demurred, and the defendant joined in demurrer.

William Tracy and John A. Manning, for the plaintiff.

John McKeon, district attorney, for the defendant.

Nelson, J. The principal ground of objection to the pleas, as a defense to the action, is, that neither the President nor the Secretary of the Navy had authority to give the orders relied on to the defendant, and, hence, that they afford no ground of justification.

The executive power, under the Constitution, is vested in the President of the United States (Art. II, sec. 1). He is Commander in Chief of the Army and Navy (sec. 2) and has imposed upon him the duty to "take care that the laws be faithfully executed" (sec. 3). In organizing a government under the Constitution, an executive department, called the Department of Foreign Affairs, was established, and a principal officer called the Secretary for the Department of Foreign Affairs, placed at its head, to "execute such duties as shall, from time to time, be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department; and, furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct." (Act of Congress, of July 27, 1789, sec. 1, 1 U. S. Stat. at Large, 28.) By a subsequent act, this department has been denominated the Department of State, and the head of it the Secretary of State. There was also established another executive department, denominated the Department of the Navy, the chief officer of which is called the Secretary of the Navy, "whose duty it shall be to execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the Naval Establishment of the United States." (Act of Congress of Apr. 30, 1798, sec. 1, 1 U. S. Stat. L., 553.)

As the executive head of the Nation, the President is made the only legitimate organ of the General Government to open and carry on cor-

responsiveness or negotiations with foreign nations in matters concerning the interests of the country or of its citizens. It is to him, also, the citizens abroad must look for protection of person and property, and for the faithful execution of the laws existing and intended for their protection. For this purpose, the whole executive power of the country is placed in his hands, under the Constitution, and the laws passed in pursuance thereof; and different departments of government have been organized, through which this power may be most conveniently executed, whether by negotiation or by force—a Department of State and a Department of the Navy.

Now, as it respects the interposition of the Executive abroad, for the protection of the lives or property of the citizen, the duty must, of necessity, rest in the discretion of the President. Acts of lawless violence, or of threatened violence to the citizen or his property, can not be anticipated and provided for; and the protection, to be effectual or of any avail, may, not infrequently, require the most prompt and decided action. Under our system of government, the citizen abroad is as much entitled to protection as the citizen at home. The great object and duty of government is the protection of the lives, liberty, and property of the people composing it, whether abroad or at home; and any government failing in the accomplishment of the object, or the performance of the duty, is not worth preserving.

I have said, that the interposition of the President abroad, for the protection of the citizen, must necessarily rest in his discretion; and it is quite clear that, in all cases where a public act or order rests in Executive discretion, neither he nor his authorized agent is personally civilly responsible for the consequences. As was observed by Chief Justice Marshall, in *Marbury v. Madison* (1 Cranch, 135): "By the Constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity with his orders. In such cases, their acts are his acts; and, whatever opinion may be entertained of the manner in which Executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the Nation, not individual rights, and, being intrusted to the Executive, the decision of the Executive is conclusive." This is a sound principle, and governs the present case. The question whether it was the duty of the President to interpose for the protection of the citizens at Greytown against an irresponsible and marauding community that had established itself there, was a public political question, in which the Government, as well as the citizens whose interests were involved, was concerned, and which belonged to the Executive to determine; and his decision is final and conclusive, and justified the defendant in the execution of his orders given through the Secretary of the Navy.

Judgment for defendant.

In the light of this decision it appears to me that the request of the President for authority to act in the premises is superfluous and is, in effect, a request of Congress to declare war in disguise.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "troops," line 10, page 121, insert:

"For the establishment along the Mississippi River in the vicinity of Prairie du Chien, Wis., and McGregor, Iowa, a national park, to be known as the Mississippi Valley National Park, embracing portions of Wisconsin and Iowa and islands in the Mississippi River, \$200,000."

"That it shall be the duty of the Secretary of the Interior to investigate the said proposed plan for a national park, to purchase and ascertain terms upon which said land can be secured, how much of it will be donated by the owners to the Government, the expense of acquiring by purchase any part of the land not so donated and purchased. The Secretary of the Interior is authorized to accept patented lands in the proposed site that may be donated for park purposes."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman from New York makes a point of order, and the point of order is sustained.

Mr. HAUGEN. Will the gentleman from New York withhold the point of order?

Mr. FITZGERALD. I withhold it.

Mr. HAUGEN. Mr. Chairman, I confess that inasmuch as the amendment offered is subject to a point of order, I had grave doubt as to its adoption; but as it has great merit, and there is no possibility of having it considered in regular order, I was in hopes that the gentleman might not make the point of order against it.

As stated by the gentleman from Kentucky [Mr. SHERLEY], more people visit Rock Creek Park here in the District than any one of our national parks. The statement clearly indicates the inaccessibility of our national parks and the advisability of providing parks more centrally located. Having that in mind, I offered the amendment, which contains the provision of House bill 12122, introduced by me, a bill to establish a national park, to be known as the Mississippi Valley National Park, near Prairie du Chien, Wis., and McGregor, Iowa, to provide a suitable place on our Nation's greatest river for recreation, relaxation, and enjoyment; to set aside a historic and picturesque spot, a tract of land recognized by travelers who have visited it to be one of the richest in scenic beauty in the world; in a section where our National Government has done nothing to preserve the natural scenery, and in a section where a national park would be most accessible, far more so than any of our national parks that we have to-day. We have no national park in this vast, rich, and densely populated section, the Middle West.

It would seem that the millions of people residing in that section and in the proximity of the proposed site are entitled to this small recognition along the lines suggested.

We are all familiar with our greatest river, the Mississippi River, the Father of Waters, upon the historic and picturesque banks of which the proposed park would be located. If you have been on the upper Mississippi, you will agree with the many travelers who contend that its grandeur and the scenery along its banks rival that of the Rhine, the Italian lakes, and the fjords in Norway. It is a scenic beauty properly referred to by many as the Switzerland of America.

It would seem that in view of the accessibility of this beautiful spot a recreation center should be provided here where millions of people living within a few hundred miles may go without incurring the expense of travel to foreign countries or to distant parts of our own country. Much has been said about spending money at home, see America first, a contention which I heartily concur in. Here is a splendid opportunity to encourage that movement, the sentiment of which we all favor.

We all appreciate the value of our national parks and have cheerfully appropriated for their establishment and maintenance. I do not believe that one of us would do away with any one of the parks that we now have, but all of our national parks are in the Far West and beyond the reach of all but a small percentage of our population. Would it not seem wise and proper to establish a national park more centrally located that could easily be reached by a large percentage of our population? If so, should it not be located on the upper picturesque banks of our greatest river, which flows through the center of that great section of our country, the Middle West, which in fact cuts through this great country from close to the Canadian line to the Gulf of Mexico?

We lay no claim to giant geysers, lofty mountains soaring into the sky 14,000 feet, nor canyons beyond description. We have not the scenic wilderness, the grizzly bears, lions, and mountain sheep described as fearless as the singing birds. We have no glistening glaciers, rushing water falls, nor lakes where ice floes drift in midsummer, described in our national parks as "at the very end of the world," but we do have 10,000,000 people within eight hours' ride of this proposed park. We have this magnificent body of water, the many wonderful colors of the forest changing with each season, the loveliest flowers, migratory and song birds, great numbers of fur-bearing animals, as the muskrat and beaver, and fish in great abundance. In the valleys are living springs, waterfalls, so-called pictured rocks, and sands of great variety. The ponds and channels of the islands afford opportunity for motor boating, rowing, and are well adapted for bathing beaches in the summer time. We have the steamboat lines running from the Twin Cities to the Gulf. We have miles of frontage with a number of good landings for steamboats and small craft which offer delightful trips on the river. We have the following highways, which are registered by the Iowa State Highway Commission and well marked with guideposts:

The North Iowa Pike from Sioux Falls, S. Dak., to McGregor, Iowa.
The Park Highway from Ottumwa, Iowa, to McGregor, Iowa.
The Geranium Trail from Des Moines, Iowa, to McGregor, Iowa.
The East Iowa Scenic Highway from St. Louis, Mo., to Minneapolis, Minn.
The Red Cross Highway from Milwaukee, Wis., to McGregor, Iowa.
The Burlington Way from New Orleans, La., to Duluth, Minn.

And many places of interest in that vicinity, as the Yellow River Valley, Decorah Waterfalls, Buck Creek, Volga Ridge, and Bixbys Park.

It was first thought and suggested to include 1,671.30 acres in the tract. Two islands were contemplated in the plan which are in the bottom lands of the Mississippi River. There is considerable growth of timber on that land which would be of value for park purposes. The structures are few and very inexpensive.

It would seem wise to extend the project to include what has been termed the "delta" project addition in order to have a park of recognized dignity. This tract includes 7,458.67 acres. This area forms a rough triangle inclosing the delta of the Wisconsin River.

It has also been suggested to include the Wisconsin State Park in the proposed park, which includes 1,651.08 acres. Chambers of commerce and commercial clubs throughout Wisconsin have supported this suggestion, and made assurances that their influence would be used with the Wisconsin Legislature to secure the inclusion of the Wisconsin park.

An appraisal of the value of the land referred to has been made by a board of appraisers consisting of Mr. T. J. Sullivan, real estate owner; Mr. W. F. Daubenberger, banker and merchant; Mr. J. A. Ramage, banker; and Mr. W. H. C. Elwell,

merchant. The propositions include the smallest possible areas of cultivated land which would permit the inclusion of features desirable for park purposes and to take in only relatively low-priced lands.

The appraisal gives the following data:

Under—	Acres.	Average cost per acre.	Cost.
The tract first referred to.....	1,671.30	\$49.51	\$82,755.30
The Delta Project Addition.....	7,458.67	18.91	141,042.23
The Wisconsin State Park.....	1,651.08		
Total in plan cited below.....	10,781.05		223,797.53

Gross area, including land and water, is about 14,200 acres.

I am informed that the following offer has been made by Mrs. Martha B. Munn, of New York City:

NEW YORK, December 30, 1916.

The CITIZENS' ASSOCIATION,
McGregor.

GENTLEMEN: For the purpose of promoting the establishment of a national park, if Congress shall within two years from this date secure to the United States the title of 12,000 acres of contiguous or adjacent bluff or island land and establish a national park, I will donate my land at Pikes Peak and Pictured Rocks—that is, the southerly half of lot 2, all of lot 3 and all of lot 4 in section 35, township 95 north, range 3 west—to be incorporated in the park, and will deed the same to the United States without charge.

I sincerely hope you will be successful in securing the establishment of the park.

Yours, truly,

MARTHA BUELL MUNN.

The land is 125 acres, appraised at \$12,500, containing important features for park purposes, and is the key to the situation.

The park would include the following-described tract: Commencing on the north end of island No. 170 the line follows the shore of Bickel Island and then crosses the river to include an island belonging to the estate of Mike Sorada, thence along the east bank of the Mississippi Bottoms below the town limits of Prairie du Chien and follows along the bench line between the bottom lands and the bluffs in a southeasterly direction until it reaches a point across the Wisconsin River opposite the eastern boundary of the Wisconsin State Park, thence south, coinciding with the eastern boundary line of the Wisconsin Park, then west and south until it approaches the village of Wyalusing. From here it follows the eastern shore of the Mississippi River, crossing to a point just north of the corporate limits of the village of Clayton. From here it goes in a northerly direction to the limits of McGregor, crossing the channel and going in a northerly direction to the point of beginning, all of said lands herein described containing approximately 10,781.05 acres, or gross area within the boundaries, including land and water, is approximately 14,200 acres.

Much interest and attention has been given to the plan through the mail and press. Resolutions and communications have come in in large numbers from individuals, clubs, organizations, and associations of various kinds. Many Senators and Representatives have manifested interest and approval. An extensive investigation has been made of the proposed park by representatives of the Government and a report is being prepared. A far-reaching and effective organization has been formed to promote this worthy project known as the Mississippi Valley National Park Association, which has prepared a pamphlet setting forth fully the many claims and the beauty of the proposed site. The pamphlet contains not only an elaborate description but many pictures as well. I regret that under the rules the beautiful illustrations cannot be put in the RECORD. However, I desire to quote from the pamphlet:

THE NATIONAL PARK SITE ON THE BANKS OF THE MISSISSIPPI AT Mc-GREGOR, IOWA.

The climax of the scenery is in the region about McGregor, the site proposed for a national park. The hills here rise abruptly nearly 500 feet above the water's edge. The sweep of the river is very broad and intercepted by hundreds of pretty wooded islands with quiet lakes and tranquil, shaded bayous among them. The Wisconsin River, Mississippi's most picturesque and interesting tributary, joins the mother stream at this point and a little to the north Yellow River breaks through the hills to pour in its swift waters.

From all the hills on the park site entrancing views of river and shore and island are to be had. Separating the bluffs are deep ravines where springs gush out of the rocks and clear, cold streams splash down through fern banks, now and then hurrying to tumble over rocky ledges in waterfalls or pausing to form quiet pools. Pictured Rocks, the most remarkable natural formation in the Mississippi Valley, is a part of one of the ravines.

Thanks to careful private ownership the park region, unlike many beauty spots in the Middle West, has escaped the destroying hand of commercialism and is densely forested with natural woods. In fact, it is still the "forest primeval," and if saved now posterity will be privileged to see at least one part of the upper Mississippi as it was in the days when the Indians of the North made it their favorite fishing and hunting rendezvous.

Historical reasons, full as much as scenic, recommend the proposed park site to the care and protection of the Government. The hills shadow the scene of the discovery of the Mississippi and overlook the place of the first settlement in the Northwest. An engagement of the War of 1812 was fought in the vicinity, and a variety of other events of fascinating interest and scarcely less historical importance were staged here.

The playground attractions of the place selected for the park are almost unlimited. Fishing is excellent and there is fine hunting in season. Several sandy beaches provide bathing facilities. The gentle flow of the river and the number and varied beauty of the lakes and winding bayous make boating delightful, whether you choose a rowboat, a canoe, a sailboat, or a launch for the purpose. You need never take the same trip twice. There is always some new way to go, and it may happen that the very last one will prove to be just a little bit the loveliest of all.

Then there are the moonlight excursions with their ne'er-to-be-forgotten joys. The colored lights and gay decorations of the big white steamer, the din of the callopie, the raucous megaphone, and the shouts of the negro roustabouts, the strains of the stringed orchestra, and the dancing on the barges, all under the enchanting spell of the moonlit river—it is a "this-worldly" experience, true enough, but in a dream-land setting that makes a big appeal to all classes.

Everything to delight the heart of a person who enjoys camping can be found on the park site. You may pitch your tent on a sun-kissed hilltop, beside a spring in the deep shade of a ravine or under the elms on the islands.

INTERESTING PLACES TO VISIT ON AND NEAR THE PARK SITE.

PIKES PEAK.

At the southern extremity of the park and dominating the landscape, Pikes Peak, most famous of the Mississippi hills, stands sentinel. The view from its summit a world traveler has declared to be "the finest water scene in America." Facing the mouth of the Wisconsin River as it does, Pikes Peak was the first land seen by white men on the discovery of the upper Mississippi and overlooked the stirring events which took place about the confluence of the Wisconsin and the Mississippi Rivers in the beginnings of history. It was a favorite vantage point of the Indians and often a battle ground.

In 1805 Lieut. Zebulon Pike, the great explorer, shelved his boat on the pebbly shore at the foot of the hill which has since borne his name, climbed to the top and planted there the first American flag raised in the Northwest.

Pikes Peak is now a favorite picnic and camp ground. It is reached by a drive of 3 miles from McGregor and by two trails from the river.

PICTURED ROCKS.

Sequestered in a valley on the north side of Pikes Peak lies Pictured Rocks. This beauty spot, a bit of the Grand Canyon or Yosemite Valley dropped down among the Mississippi hills, is reached by a 10 minutes' walk from the bank of the river. The path follows up a stream splashing with tiny waterfalls through a ravine so deep and narrow the sun only penetrates it for a few minutes at noon. Suddenly you emerge in a sunlit amphitheater formed by perpendicular cliffs of colored sand 200 feet high, varying from glistening ivory to the most brilliant orange and scarlet. More than 40 different colors have been found. They lie one above the other in horizontal, curved, zigzag, and fantastically broken lines making the whole a sand mosaic of enchanting beauty. A cave of dazzling colors and a waterfall nearly a hundred feet high are features of the scene.

Above Pictured Rocks on the trail leading to Pikes Peak is Horse-shoe Falls, a miniature Minnehaha.

SCENE OF THE DISCOVERY OF THE MISSISSIPPI.

That the discovery of the upper Mississippi occurred within its borders is the park's best bid to fame.

Take a boat from Pictured Rocks over to the mouth of the Wisconsin River, drift with the current, and in the silence thrill to the picture that history has painted of that June day in 1673 when Pere Marquette and Louis Joliet were carried by the swift waters of the Wisconsin out onto the surface of the river they had been seeking for many weary months. We are told of the wonder and joy that filled them as they saw the majestic sweep of the Mississippi and the green hills of the new land and that the great priest, standing in the bow of his canoe, raised his gold cross toward Pikes Peak and with a prayer of exultant thanksgiving took possession of the river and land in the name of God and France.

RUINS OF FORT CRAWFORD.

Of all interesting places to visit in the neighborhood of the park the ruins of Fort Crawford on the banks of the river at Prairie du Chien perhaps invite the most attention. Volumes have been written of the history and romance of the life that went on about the fort between 1814 and 1840.

The first fort was built at Prairie du Chien in 1814 and called Fort Shelby. It was captured by a detachment of English and Indians in the same year. After the capture its name was changed to Fort McKay in honor of the officer who commanded the British troops.

The Union Jack floated over Fort McKay until 1815 when, the war being over, they evacuated it. Shortly after it was destroyed by fire. Early in 1816 troops were sent from St. Louis by the American Government to build a new fort. This was erected on the site of old Fort Shelby and named Fort Crawford. In 1826 the new fort was abandoned and a much larger Fort Crawford built farther down the river. It is the ruins of this that are still standing.

Zachary Taylor, afterwards President of the United States, commanded Fort Crawford for several years. Jefferson Davis was lieutenant under him. Much of the fighting of the Black Hawk Indian War took place around the fort and Chief Black Hawk was brought to it a captive at the close of the war. The great treaty conferences by which the tribes signed away their rights to the lands east of the Mississippi were nearly all held at Prairie du Chien during the days of the fort's activity.

The last garrison left Fort Crawford in 1856 to march to Utah under the command of Gen. Albert Sidney Johnston, later a well-known general in the Confederate Army during the Civil War.

PLACE OF ELOPEMENT OF JEFFERSON DAVIS AND ZACHARY TAYLOR'S DAUGHTER.

An oft-repeated story tells of the elopement of Jefferson Davis and Col. Zachary Taylor's daughter from Fort Crawford. The story as preserved in the river annals is that the young couple being forbidden to wed by Col. Taylor fled from the fort in the night and went in a canoe down

to the mouth of the Wisconsin where they hid in the bushes until a steamer came along going south. This they hailed and going aboard were taken to St. Louis.

Part of the officers' quarters occupied by the Taylor family is now a part of the Prairie du Chien Sanitarium and the window through which Miss Taylor is said to have made her exit the night of the elopement is shown to visitors.

BLACK HAWK'S TREE.

This is a large elm at Prairie du Chien in which tradition has it the Indian chief, Black Hawk, once hid to escape capture by the soldiers.

MILITARY CEMETERY.

The officers and soldiers of Fort Crawford killed during the Indian wars were buried on a high knoll near the fort. The Government has recently set apart the old burial spot as a military cemetery and suitably marked the graves. Distinguished names are on the tombstones.

MARQUETTE MONUMENT.

A handsome monument to Father Marquette has been erected on the grounds of St. Mary's Academy near the ruins of Fort Crawford. The monument stands on a high point and can be seen far up and down the river. The famous priest is pictured as he appeared on discovery day standing in his boat holding out the cross to the new land.

SITE OF FIRST FORT.

In 1737 Sieur Marin was sent down the Wisconsin River by the governor general of Canada "to detach the Fox and Sac Indians from the Sioux and restrain them from injuring the Illinois." There is much historical evidence to show that Marin built and maintained a fort for two years at the head of Magill's Slough just below Pikes Peak. The site of this first fort is one of the most picturesque spots in the park region.

SITE OF FIRST SETTLEMENT ON WEST BANK OF RIVER.

In mid-channel opposite McGregor in 1794 the Frenchman, Basil Girard, greeted the Spanish governor of Louisiana on board his boat and asked for a grant of land on the west side of the river. The request was favorably received and papers were made out giving him title to 7,000 Spanish acres of land on the present site of McGregor. Here Girard and his French companions with their Indian wives founded a little settlement and a fur-trading post. Lieut. Pike visited the post on his journey of exploration. After the region had passed from Spanish and French ownership into the hands of the United States the American Government confirmed the Spanish grant and the descendants of Girard were given a deed to the land, the first deed said to have been granted to land in Iowa.

ASTOR FUR-TRADING POST.

John Jacob Astor and a party of explorers visited Prairie du Chien in 1809 and established a trading post there which for many years was the mecca for Indians and trappers as far north as Canada and west to the Rocky Mountains. The ruins of some of the buildings are still to be seen. No fiction is more fascinating than the story of the life that went on about the post in early days.

DOUSMAN ESTATE.

Col. Dousman represented the Astor interests in the palmy days of the post and was the acknowledged lord of the Indian tribes for hundreds of miles through the wilderness. With the fortune he amassed he built a great estate on the banks of the Mississippi on the site of old Fort Shelby. There the Dousman family for three generations lived in splendid style. The estate is now the home of the Keewatin Academy for Boys. The arsenal of Fort Shelby is on the grounds.

OLD FRENCH TOWN AND CEMETERY.

A few remains of the French settlement founded on the east side of the river in the eighteenth century have been preserved. An interesting place to spend a half hour is the ancient cemetery with its 100-year-old graves.

OLD WISCONSIN TRAIL.

Just as the discoverers and explorers and, after them, the traders had come from the East and North over the Wisconsin River in their journey to the Mississippi and the Northwest so, when the era of settlement began, the tide of immigration flowed along its banks. A road was built down the river terminating at its confluence with the Mississippi. Over this road in the forties thousands of settlers traveled to reach Iowa and Minnesota. Though the road was long ago abandoned a portion of it still can be followed.

IOWA MILITARY TRAIL.

Following the removal of the Winnebago Indians from east of the Mississippi, Fort Atkinson was built 50 miles back from the Mississippi in Iowa. A military road was built from the river near McGregor to the fort and patrolled by the soldiers from Fort Crawford. With the coming of the settlers this military trail became the great highway from the Mississippi to western points and also the road over which the pioneers hauled their wheat to send it south on the steamboats from McGregor. The old trail is now the North Iowa Pike.

INDIAN MISSION.

From 1835 to 1840 a Government school and farm for the Winnebago Indians was conducted near the mouth of Yellow River. The old stone building has been torn down, but a wealth of interesting things linger about the place. Many Indians are buried there and valuable relics have been found. The river drive from McGregor to the famous site is of remarkable beauty.

INDIAN MOUNDS.

Everywhere on the park site are Indian mounds, evidence that long before the advent of white men the region was the scene of a throbbing life. Scientists have declared these mounds, because of their number and character, among the most valuable in existence. A procession of them a half mile long lies along the crest of a hill on the east side of the river. Many of the animal-shaped mounds found only in Wisconsin and on the Mississippi hills in Iowa are included in the groups.

BLOODY RUN.

The Bloody Run Valley is a picturesque part of the park region. The stream was christened its sanguinary name by a famous hunter who killed many deer on its banks.

PEARL HUNTERS' CAMPS.

During the summer months the river is dotted with the boats of the pearl hunters. Pearls worth thousands of dollars have been found in clams taken from the beds in the park vicinity. The queer boats and the boiling-out camps on shore are a never-failing source of interest to strangers.

POND LILY BEDS.

And last but far from least are the water lilies, acres of them in the lakes and bayous. In July and August they bloom in wondrous beauty. There are the fragrant, delicate white lilies and the larger yellow lilies of similar species to the famous lotus lilies of the Nile, and rarely found in America.

The lilies are most beautiful early in the morning and "sunrise-lily parties" are a popular pastime.

Without reflecting upon the grandeur, beauty, or many claims of our national parks, it can be said that the proposed park has many worthy claims. It is in the center of the richest and most productive section of this country, spanned with rails of steel, its towns and farms decorated with factories, mills, and beautiful mansions, its schools in the valleys and churches on the hills, its farms tilled by industrious, prosperous, patriotic, and law-abiding farmers contributing to our Nation's food supply and wealth in greater proportion than any like area in rural or agricultural districts. It is in a section where the good people have so generously contributed to the Treasury, and, I might add, where we have become accustomed not to receive but to contribute to the Treasury; where progress, prosperity, enterprise, and happiness is in evidence everywhere, in the cities, towns, villages, and on the farm. It is in a section that is not only rich in agriculture and industries but educational institutions as well. We have cheerfully and generously contributed to the establishment and maintenance of our many national parks, and we ask in turn this small recognition for this vast stretch of country without national parks.

The proposed park has great advantage over other parks in its transportation facilities. Besides its water transportation and highways, it has the Burlington Road on the Wisconsin side and the Milwaukee Road on the Iowa side, and also the East and West Milwaukee Road crossing it. More people are within eight hours' ride of this beautiful spot than are within the same time or distance from any one of our national parks. It is within 200 miles of Chicago, Milwaukee, Des Moines, and the Twin Cities, besides a great number living in other cities, towns, and on the farm within this area. It is within 50 miles of the Minnesota and Illinois lines. The population of Iowa, Wisconsin, and States bordering on or close to the two States, Illinois, Indiana, Missouri, Kansas, Nebraska, the Dakotas, Minnesota, and Michigan, is 26,974,524, according to the estimates of the Census Bureau, and of all the States east of the Mississippi, 60,702,607. The proposed park would be more accessible to practically all living in those States, and also to many west of the River, than any of our large western national parks.

Considering its accessibility, grandeur, historic, scientific, and recreational value, its surroundings and transportation facilities, it seems proper to set aside this beautiful site and place it under the care and protection of the Government, to save it from destruction, so that posterity may be permitted to enjoy at least a part of the historic upper Mississippi River in its natural superb beauty.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Yosemite National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, including not exceeding \$800 for maintenance and repair of horse-drawn and motor-driven passenger-carrying vehicles for use of the supervisor and employees in connection with general park work, not exceeding \$8,000 for a bridge at the old Sentinel Bridge site, and not exceeding \$75,000 for grading in width not exceeding 20 feet El Portal-Yosemite Road; in all, \$175,000: *Provided*, That the total expenditure for the installation of a hydroelectric power plant shall not exceed the sum of \$150,000 appropriated therefor in the sundry civil appropriation act for the fiscal year 1917.

Mr. RANDALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. HAMLIN). The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment by Mr. RANDALL: "Page 122, line 12, after the word 'seventeen,' insert '*Provided further*, That no part of the appropriations made herein shall be expended for any purpose in any national park in which any permit or authority to sell or dispense beer, ale, wine, or other intoxicating liquors of any kind has been issued by any officer or employee of the United States to any lessee, permittee, concessioner, or other person, firm, or corporation whatsoever.'"

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. FITZGERALD. Mr. Chairman, I ask to have a ruling on the question of order, to save time.

Mr. RANDALL. Mr. Chairman, it is very clearly a limitation on the appropriation.

Mr. FITZGERALD. Let us settle that question. I want to save time.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the ground that it is legislation on an appropriation bill contrary to the rule. I make the further point of order that the amendment goes further than the form of a limitation, in that

it does not seek to limit the expenditure of this appropriation only, but it seeks to limit the appropriations for all parks, and therefore it is not germane in that particular.

The amendment goes beyond anything that has ever been attempted under the guise of a limitation. You can not, under the guise of a limitation, enact legislation. You may restrict an appropriation on a particular item, but the amendment of the gentleman from California goes further. It seeks to limit the appropriations carried in all these paragraphs of this bill.

Mr. RANDALL. It refers to the sale of liquors in all parks.

Mr. STAFFORD. In all parks. Therefore it goes beyond the scope of any decision that has ever been made in attempting to legislate for something beyond the paragraph under consideration.

If, for no other reason, Mr. Chairman, the point of order must be sustained, because under the form of the limitation you can not legislate; under a limitation as to one park you can not apply a limitation to other appropriations that have been passed or that are to come up in the future. For that reason alone the amendment, I respectfully submit, is subject to a point of order. There can be no question about it.

The CHAIRMAN. The gentleman from California [Mr. RANDALL] will be heard on the point of order.

Mr. RANDALL. Mr. Chairman, I only want to call attention to the provision in this bill respecting soldiers' homes, where there is an identical provision prohibiting the sale of liquor at the soldiers' homes under the identical language of this amendment.

Mr. STAFFORD. Oh, Mr. Chairman, the gentleman does not distinguish. There the amendment is offered to the paragraph providing for the total appropriations for all soldiers' homes; but the amendment offered by the gentleman from California seeks to apply a rule of conduct as to all the national parks to an appropriation limited only to one park.

I direct the attention of the Chair to the item referred to by the gentleman from California, found on page 92 of the bill. You will notice on lines 12 and 13 this language:

In all, National Home for Disabled Volunteer Soldiers, \$3,894,900: *Provided*, That no part of the foregoing appropriations—

And so forth.

Of course the following paragraph is a limitation on that total appropriation; but the gentleman is going beyond his rights when he attempts to limit one appropriation, applying merely to one park a rule of conduct as a limitation upon all parks, and therefore the amendment is subject to a point of order.

Mr. RANDALL. If the gentleman will examine the amendment, he will find it is a limitation on the appropriations for all the national parks. It reads, "The appropriation for all purposes." It is on a par with the appropriation for the soldiers' homes—

Provided, That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteer Soldiers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold.

The CHAIRMAN. The Chair is of opinion that this appropriation applies only to that particular park. The Chair thinks the gentleman's amendment is a little too broad, because to apply it to any other park in the United States would defeat the appropriation for this particular park. Therefore the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

General Grant National Park, Cal.: For protection and improvement, construction of fences and trails, and repairing and extension of roads, \$2,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 122, lines 18 and 19, between lines 18 and 19, insert "Lassen Volcanic National Park, Cal.: For protection and improvement, \$5,000."

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this is to carry out the act of Congress passed about a year and a half ago establishing this park. The purpose is to allow the amount of \$5,000 provided for in that bill, the authorization. We desire to have this amount so that the park may be started on its proper improvement. Others have been allowed which are in the same position as this item. The people are very desirous of improving this park. There are roads leading to it now, and soon a State highway. There is no record as to the number of people stopping there, but nevertheless many visitors stop there. There is no record yet, because the Government has not yet taken up the actual construction of roads, hotels, and other improvements.

The committee said, when the matter was under consideration here on the floor at the last session, when the appropriation bill was considered, that it came too late, and it was promised that it would be allowed this time. I do not want to take any more of the time of the committee, but I hope the committee will allow this amendment, providing for the same amount that is authorized, carrying out the provisions as to the rest of the parks in the State of California. There is no possible reason why this appropriation should not be made for this special and particular park. I do hope the committee will see their way clear to put this amendment on the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. BORLAND. Mr. Chairman, it is only necessary to say that this park is not open. There are no visitors there. There are no improvements of any kind.

Mr. RAKER. The gentleman says there are no visitors there. As a matter of fact, I have seen them there myself. There are hundreds who go there, but the Government has not kept any record. The Government has not had charge of it, and therefore could not keep any record. I trust the gentleman will not make a statement of that kind against such legitimate legislation, when, as a matter of fact, the Government has not had a chance as yet to improve this wonderful piece of country as it ought to be improved.

Mr. BORLAND. The gentleman is quite right about it. The park is in its natural state. Nothing more has happened since the Government took it over than before the Government took it over. If any visitors went there before they are probably going there now. I can sympathize with the desire of the gentleman to have some rangers employed out there. That is all it means, to put some rangers to work on 80,000 acres of an unimproved, undeveloped park. The committee had a hearing of the park officials. They did not urge it. They did not seem to think it was imperative. The park constitutes 79,000 acres, and it is impossible with any moderate amount of money to improve it, or even to put rangers on to police it. What it would mean would be the spending of this little \$5,000 on the salaries of a very few men, who could not give any adequate attention at all to the park, so it is just a question of spending the \$5,000.

Mr. RAKER. The gentleman does not want to be unfair.

Mr. BORLAND. The chief attraction of this park is that it contains an active volcano, and just now the volcano is particularly active, so there is no occasion for putting any improvements on the volcano.

Mr. RAKER. The gentleman does not want to be facetious for the purpose of defeating legitimate legislation, and he does not want to say seriously that the park service have not urged this, because they have.

Mr. BORLAND. The gentleman is just this much facetious that he does not think this appropriation has been urged with any great energy.

Mr. RAKER. They have called me up since, and they say this appropriation ought to be allowed. You allow for the protection and maintenance of other parks just like this, and why should you discriminate and cut out this park here? Why should you not give them an opportunity to improve it like others?

Mr. BORLAND. As I have already stated to the gentleman, we have not entered upon any plan or arrangement for the improvement of this park. When that time comes it will take more than this little \$5,000 to be paid to a few rangers out there.

Mr. LONGWORTH. Does the gentleman say there is an active volcano in that park?

Mr. BORLAND. Yes.

Mr. LONGWORTH. I would like to ask whether that volcano is a monopoly, or whether there is active competition?

Mr. BORLAND. It is a monopoly, but I am sorry to say it is not under Government control.

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Mesa Verde National Park that may be donated for park purposes.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This paragraph, authorizing the Secretary of the Interior to accept patented lands or rights of way over patented lands, is carried in a number of places under these national parks. I assume that under this form of language it would be only temporary law. Is anybody offering to donate any lands in any of these particular parks or was it the intention

of the committee, in inserting this language in half a dozen places in the bill, to make it permanent law?

Mr. FITZGERALD. It is permanent law as to some of the parks. Authority was asked in connection with one or two others in the same language, and the committee were of the opinion that if there were patented lands in the park that persons were willing to donate or to donate rights of way over them it would be wise to accept the donation.

Mr. MANN. If we are going to do this, why not make it permanent law, so there will be no doubt about it.

Mr. FITZGERALD. This will be permanent law if adopted here.

Mr. MANN. I doubt it very much.

Mr. FITZGERALD. It is not connected with an appropriation.

Mr. MANN. I should say that it was.

Mr. FITZGERALD. There is no limit on it. A similar provision is contained in connection with some of the other parks.

Mr. MANN. I know, but there is always a controversy. Nobody can tell. Why not insert the word "hereafter" in each of these paragraphs, so there will be no question about it?

Mr. FITZGERALD. I will offer that as an amendment—to insert at the beginning of the paragraph, in line 7, page 123, the word "hereafter."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 123, line 7, at the beginning of the line insert the word "hereafter."

The amendment was agreed to.

Mr. FITZGERALD. So that there will be no misunderstanding or misinterpretation, I will ask that the same word be inserted at the beginning of line 24, on page 122.

Mr. STAFFORD. If the gentleman will permit it, why not insert the names of these parks in this one paragraph?

Mr. FITZGERALD. That is not necessary.

Mr. STAFFORD. So as to avoid the trouble of repetition.

Mr. FITZGERALD. I know, but the others are printed, and it can be done the other way.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 122, line 24, at the beginning of the line insert the word "hereafter."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Rocky Mountain National Park that may be donated for park purposes.

Mr. FITZGERALD. I offer the same amendment, to insert the word "hereafter" at the beginning of line 13, page 123.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 123, line 13, insert at the beginning of the line the word "hereafter."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Crater Lake National Park that may be donated for park purposes.

Mr. FITZGERALD. I move to insert the word "hereafter" at the beginning of line 19, page 123.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 123, line 19, insert at the beginning of the line the word "hereafter."

The amendment was agreed to.

Mr. RANDALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

Mr. KENT. I make a point of order on that paragraph.

The CHAIRMAN. The other gentleman from California makes a point of order on the paragraph.

Mr. MONDELL. I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. It is too late. The gentleman from California [Mr. RANDALL] has offered an amendment, and been recognized for that purpose.

The CHAIRMAN. The Chair is inclined to think the gentleman is too late, because the Chair had recognized another gentleman and had said "The Clerk will report the amendment."

Mr. LENROOT. But the gentleman was on his feet before the amendment was reported.

Mr. FITZGERALD. The gentleman was not on the floor—

Mr. LENROOT. Before the amendment was reported.

Mr. FITZGERALD. But the gentleman from California [Mr. RANDALL] was recognized and offered his amendment.

The CHAIRMAN. The gentleman may have been on his feet, but the Chair recognized him as soon as he heard his voice, and that was after he had recognized the other gentleman from California [Mr. RANDALL] and had instructed the Clerk to report the amendment. The Chair thinks the gentleman was a little late in making his point of order. The Clerk will report the amendment of the gentleman from California [Mr. RANDALL].

The Clerk read as follows:

Amendment by Mr. RANDALL: Page 124, line 13, after the word "parks," insert:

"Provided, That no part of the foregoing appropriations for national parks shall be expended for any purpose in any national park in which any permit or authority to sell or dispense beer, ale, wine, or other intoxicating liquors of any kind has been issued by any officer or employee of the United States to any lessee, permittee, concessioner, or other person, firm, or corporation whatsoever."

Mr. STAFFORD. Mr. Chairman, I make a point of order on the amendment, first, that it is not germane to the paragraph under consideration; next, that it seeks to apply as a limitation to paragraphs that have heretofore been passed and read in the committee, and therefore it is too late to offer an amendment for that purpose.

Now, Mr. Chairman, it is obvious that if any gentleman, after a dozen paragraphs relating to national parks have been read, can at the conclusion offer a limitation that applies to all, it violates the fundamental principle of this House that you can not go back and amend a paragraph in a bill after it is once passed. I remember a ruling by one of the best parliamentarians that ever occupied the chair, the late James S. Sherman, who held that if it was permissible to go back and amend a paragraph already passed it would lead to such interminable discussion that a bill could never be concluded for consideration, especially in case anyone wanted to conduct a filibuster. The gentleman's amendment is to these paragraphs. It is not germane to the proposition to which he offers it, because that relates to turning over future receipts into the National Treasury. Furthermore, if he seeks independent of that to offer an amendment to apply to all the appropriations that have been passed, he can not do it for the reason already stated. It was permissible for the gentleman to offer at the conclusion of every paragraph the amendment which was read, because we consider the bill by paragraphs, but he waived his right. There is no reason for accommodating the gentleman in his attempt to make these national parks bone dry, so that a person can not obtain a glass of beer at the dinner table, and that is the only grant that is now permitted in the two national parks which are in wet territory.

Mr. RANDALL. Will the gentleman examine the provision on page 92, line 14, which provides that no part of the foregoing appropriation shall be available, and so forth, after the paragraph had been adopted?

Mr. STAFFORD. I am sorry the gentleman can not distinguish between the two cases. In that case there was a total appropriation and no point of order made to it. The gentleman had his rights; he is seeking to keep out the sale of liquor at the table of the hotels and the camps of these two parks, the Yosemite and the Yellowstone. He had the right when the paragraph had been read to offer his proposed amendment as a limitation, but he waived his right. Any germane amendment was in order, but the paragraph having been read and once passed he is barred. If any other rule was adopted any Member could offer an amendment to place a limitation on any paragraph relating to national-park service. We could go back and offer an amendment relating to the Yellowstone Park. The gentleman has waived his rights by declining to offer an amendment to the paragraphs to which they were applicable.

The CHAIRMAN. The Chair is not passing upon the question whether or not this amendment is germane to any other paragraph, but the Chair thinks clearly it is not germane to this particular paragraph, and he therefore sustains the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that I may be permitted to extend my remarks in the RECORD on the revenue to the national parks.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MONDELL. Mr. Chairman, just a word on the new paragraph on page 124, lines 7 to 13. Heretofore the revenues from

a number of the national parks have been available for use in the maintenance of the parks. Under this provision for the fiscal year 1919 and thereafter these receipts will flow into the Treasury and can not be used for care, maintenance, and development of the park. My opinion is that the plan proposed is a better one than the one now in operation. The policy of using the receipts of the parks for maintenance of the parks has not worked well up to this time. The receipts have not always been used for the purposes for which they were expected to be used at the time this provision was made. Last year in Yellowstone Park an accumulation of receipts was used for a purpose contrary to the will of Congress; contrary, in my opinion, to the provisions of the law. The Army post there was abandoned and a number of soldiers were discharged from the service. The Army detachment was sent to the border, and these receipts were used for paying civilian rangers. Otherwise the service would have been cared for out of the Army appropriation. So, as a matter of fact, the park actually received no benefit from that expenditure of the accumulated receipts. It may seem to some of those interested in the parks that it is well to have the authority to use the receipts in addition to the appropriations for the maintenance of the parks. If, as a matter of fact, that system would in the long run lead to a better and more rapid development of the parks, I should be for its continuance and extension, but after full consideration I am of the opinion that it will be for the benefit of the parks in the long run to have the receipts flow into the Treasury and all expenditures appropriated for.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

For maintenance, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than \$1,500 shall be used for normal instruction, \$65,000.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word for the purpose of asking the committee if this appropriation is as large as was asked for under the item for Howard University?

Mr. SHERLEY. No; this year there was asked \$72,437.55, but the amount given is the same as was given for a number of years past.

Mr. DALLINGER. Why did not the committee give the amount asked for?

Mr. SHERLEY. There was a good deal of it that related to increase of salaries that would be taken care of under the general increase that applied to all departments. It was not believed at this time that we could allow all of the requests made by Howard University. We have dealt very liberally with them.

Mr. BORLAND. With the gentleman's permission, I will say that they showed that they proposed to transfer from the rolls of the university, the joint roll that is paid by the university and the Government, certain employees who had heretofore been solely on the other roll.

Another pay roll they pay wholly out of their own revenue. They proposed to transfer some of the employees from their private pay roll to the joint pay roll of the Government and the university. We found that did not increase their facilities in that respect. There were one or two new clerks and one professor that they proposed to add. The professor was to be a professor of sociology, and it was intended that he should study conditions of negro life in the District of Columbia. We thought it was unnecessary to provide a professor of sociology to study conditions of negro life in the District of Columbia, because in many ways it is not typical of negro industrial life, and besides, it was exactly like other investigations that are going on. There is no reason why research work should be indulged in by Howard University in the District of Columbia.

Mr. DALLINGER. Mr. Chairman, I will ask the gentleman if the amount asked for was \$72,500?

Mr. SHERLEY. \$72,437.75.

Mr. DALLINGER. Mr. Chairman, I move to amend by striking out "\$65,000" and inserting "\$72,437.75."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 126, strike out "\$65,000" and insert "\$72,437.75."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

For the erection of shop buildings or factories and their appurtenances, \$82,500; for the purchase and installation of woodworking machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing furniture and woodenware, \$202,500; in all, \$285,000.

Mr. SNYDER. Mr. Chairman, I make the point of order upon that section. It is new legislation.

The CHAIRMAN. The point of order is sustained.

Mr. HOWARD. Mr. Chairman, I will ask the gentleman if he will withhold the point of order for a moment? I admit that it is subject to a point of order.

Mr. SNYDER. I reserve the point of order.

Mr. HOWARD. Mr. Chairman, the proposition is this: We have in the United States prisons at Leavenworth, McNeil Island, and Atlanta something over 3,000 Federal prisoners. For several years these prisoners have been carrying on construction work for the housing of the prisoners. I do not know what the condition of progress is at Leavenworth, but I do know that in Atlanta all of this construction work will be completed about May 1, and, of course, if some legislation of some character is not put through at this session of Congress these prisoners will remain absolutely in idleness, which you gentlemen can readily understand would be most dangerous for the prisoners. Only a very small proportion of them will have any labor to perform at all. The Department of Justice and this Congress at the last session created a commission to make an investigation into what employment these prisoners could be put to, and they rendered a very exhaustive report, which perhaps a good many of you gentlemen have perused, in which they decided that at Leavenworth Penitentiary the prisoners confined would make furniture for the Government departments. At Atlanta they proposed the building of a textile mill, and that textile mill was to engage itself with the prisoners' work in making mail sacks for the Government. It is proposed by the plan which the gentleman from Kentucky [Mr. SHERLEY] will be in charge of that compensation be paid to the dependents out of the profits on a capitalization of this plant, and something would be given to the prisoners on their discharge. It is figured by the Department of Justice that about \$460,000 a year will be made for the Government in the activities at Atlanta prison by the making of mail sacks. Atlanta is right in the cotton belt, where they can get cotton at the minimum price.

Mr. SNYDER. Mr. Chairman, I will say to the gentleman that, while I am somewhat concerned as to what may be done in the interest of the prisoners in those prisons, I am more concerned about people who are manufacturing these items it is proposed to make who are located in my district, and therefore I insist upon the point of order, and shall make the point of order upon the next item in reference to textile manufacturers.

Mr. SHERLEY. If the gentleman from Georgia will permit, let it go out on a point of order. I hope to have a rule making it in order in a few minutes.

Mr. HOWARD. Very well.

The CHAIRMAN. The point of order is sustained.

Mr. ANTHONY. Mr. Chairman, I will ask the gentleman from New York a question. I take it that his objection is that he does not like to see prison-made goods sold in competition with the goods of free labor?

Mr. SNYDER. That is correct.

Mr. ANTHONY. Would it not make the provision acceptable to the gentleman if a proviso were inserted that none of the appropriation should be expended in the manufacture of goods to be sold in competition with free labor?

Mr. SNYDER. I am absolutely opposed to the Government extending its activities in competitive manufacturing.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, the purpose is not to have these goods sold outside, but it is to have them made only for the Government and sold only to the Government.

Mr. SNYDER. I appreciate that; but I am also opposed to that.

Mr. SHERLEY. While the gentleman's position may be natural, we are confronted with a case of whether we shall treat our prisoners with modern humaneness, and in order to treat them with modern humaneness we must provide some proper activities for them while they are in prison.

Mr. SNYDER. I think that should be done in some method that would not throw out of employment free labor.

Mr. SHERLEY. There is no possible method by which men can work where their work does not produce something that some free labor produces somewhere.

Mr. HOWARD. Why, we could put these 3,000 men to blowing bubbles.

Mr. SNYDER. You could give them exercise the same as we exercise our soldiers, as far as that is concerned.

Mr. GARLAND. This measure contemplates putting in machinery so that the maximum amount of labor could be secured to the State through its inmates there. Is not it just possible and equally more certain to find employment for the inmates

to take away the power-driven machinery and let them work by hand, instead of giving them the finest equipment obtainable for doing this work?

Mr. SHERLEY. I should say if we wanted to enable these men when they get out to earn their livelihood it would be well to train them in the kind of pursuits that would exist outside, and not to make them work in an antiquated, abandoned way. I will say to the gentleman that this matter has had very careful consideration, not only of the board that was appointed but is approved by the Federation of Labor, and a bill has been introduced and favorably reported by the Committee on the Judiciary, and every effort has been made to safeguard properly the free labor of the country.

Mr. GARLAND. I just wanted to explain to the gentleman that the reason I made this objection is this: Over in Pennsylvania we do not permit any power-driven machinery in our penitentiary in western Pennsylvania. We have now purchased 5,000 acres of land and they are building a great penitentiary on that to take care of the inmates and let them work in agricultural work, and they, the inmates, are putting up that building themselves. Now, why can not that be done here?

Mr. SHERLEY. They would; all these buildings would be erected by prison labor and the machinery installed by that labor.

Mr. GARLAND. But it does not so provide.

Mr. HOWARD. It is contemplated.

Mr. SNYDER. I am perfectly willing the prisoners shall go on and erect buildings to be used as a gymnasium or something of that sort, but not that the products of their labor shall come into competition with the business or manufacturing of the working people of my section of the country.

Mr. SHERLEY. I regret that any activity of the prisoners should happen to hit the concerns in the gentleman's district, but I do not think the Congress of the United States can stop in a humane effort on behalf of prisoners because of the interest of some furniture manufacturers who now sell to the Government. I am perfectly willing to concede the point of order. Let it go out and we will have the matter up subsequently.

Mr. SNYDER. I appreciate the probability it will come in again under some rule.

Mr. KELLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 128, at the top of the page insert as a new paragraph the following:

"For the purchase of land, tools, implements, equipment, and live stock with which to acquire land to conduct agricultural activities, \$100,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. KELLEY. Mr. Chairman, it seems to me that this is one of the questions that the Federal Government should go into thoroughly and act upon in a most intelligent fashion. I am offering this amendment to purchase land for the use of the prisons of the Federal Government, because I believe that modern prison management has fully demonstrated that, all things considered, farming is best adapted for profitable and healthful employment of convict labor. Personally, I am sorry that a point of order was made against the paragraph providing for certain manufactures in Federal prisons. Even though farming is made the major occupation, some provision must be made for the employment of those who can not be trusted to work outside prison walls. Personally, I see no objection to installing a plant to manufacture mail sacks, tents, and the like, as proposed in the section which went out on a point of order. I think, however, that the Federal Government should conduct its prisons in such a manner that every man who can be trusted with his liberty may be employed outside the prison in some profitable farming activity, and only those whom it is necessary to confine within the prison should be employed as proposed in this section.

In the old days the theory upon which penal institutions were conducted had in it but little of the idea of reform and regeneration of the men. Punishment and vengeance constituted the keystone of every prison arch. As a result, the inmates frequently came out hating authority, shunned by society, and forced into further crime by necessity and harsh treatment. During the last few years in our State and in many States there has gradually crept into prison management a little twentieth century Christianity and humanity. Gradually the notion has taken root that men are not beyond reform simply because they have been convicted of an offense against the law, but, on the contrary, that it is possible to reclaim and reform a large percentage of them. This idea, I think, has come to stay, and prison industries are gradually being adjusted to this notion throughout the

country. We have been working along this line in Michigan for the past few years and have achieved most gratifying results. I should like to tell the House something about what we are doing in Michigan along this line. I think perhaps the experience of our State may be of some help to the House in providing for proper employment for Federal prisoners.

A few years ago, after mature consideration, our State legislature decided to abolish contract labor in our prisons. This was done for two reasons. First, because under the contract system the inmates were hired out at a price below the wages paid for similar employment of free labor. Obviously, this practice resulted in unfair and unreasonable competition between prison products and the products of free labor. We decided, therefore, to end the contract-labor system in Michigan. In the second place, under the contract system it was impossible to carry on with the results we desired the work of reform among the men. The number of industries was, necessarily, very limited under the contract system, and there was but little room for training the men along lines for which they had special liking or were especially adapted. All were put through the same contract mill. It also happened that in some cases the particular industry in which the men had been trained had come to be exclusively a prison industry, and that it was difficult to obtain similar employment when the prisoner was released. From the standpoint of training the men for useful citizenship, as well as from the standpoint of justice toward free labor and free industries, our State came to the conclusion that the contract system, although existing in Michigan in its best form, was not such a success as warranted us in continuing it, and we therefore determined to wipe it out altogether.

Having determined to put an end to contract labor, and having become thoroughly imbued with the idea that our prisons should be, primarily, reformatories, we set about to reorganize our prison industries. The first contracts to expire were those in Jackson prison, our oldest and largest penal institution. It therefore fell to that institution very largely to work out a new system to take the place of the contract system. Fortunately for the State, the warden of Jackson prison, Capt. Nathan F. Simpson, was well equipped for this most difficult task. In the first place, while being a strict disciplinarian he was, at the same time, in full sympathy with the idea that the chief work of the prison was to rebuild the men. He had the advantage of wide experience in handling men. He had served in the Quartermaster General's Department in the Philippines during the Spanish-American War and during the Philippine insurrection, and knew how to provide, economically, for the physical needs of large bodies of men. It was largely up to Warden Simpson to provide suitable employment for the 800 men in his institution. In selecting the industries to be installed he was guided very largely by the following general principles:

First. The prison should install the greatest possible diversity of industries in order that any prison product might be but a small part of the total amount of such commodity required in consumption, and in order that the widest possible range of employment be furnished for the men.

Second. Such industries should be selected as would require the maximum amount of labor with a minimum investment of capital.

Third. Such industries should be selected as would turn out products in universal demand and which could be sold through the usual channels of trade.

Fourth. Such industries should be selected as would furnish the most healthful employment and give the widest opportunity for reform.

Capt. Simpson was brought up on a farm and was thoroughly imbued with the idea that if men could be rebuilt and regenerated anywhere it could be done in the atmosphere of the country. He therefore decided to make farming the basic industry of Jackson prison. The board of control was willing to undertake the experiment and leased several farms near by, and the warden was given a free hand to develop his plans. The results were so satisfactory that the legislature has since purchased and equipped several large farms in the vicinity of the prison, until now Warden Simpson has more than 3,000 acres of land under cultivation.

With the cultivation of this large acreage a number of important industries have come into being to meet the farm needs. The warden is thoroughly imbued with the idea that nothing should be purchased for the farm or prison which can be produced or manufactured by the inmates. It was necessary to tile-drain a part of the land purchased, and instead of buying the tile, a tile factory was established to supply the needs of the farm. The surplus tile finds a ready sale through the usual channels of trade. New dormitories had to be built, which required a considerable quantity of brick; therefore a small brick

plant was added. The tile and brick plants are both supplied with clay found on one of the prison farms. A large blacksmith shop was established for the repair of all kinds of farm machinery and for shoeing the 60 teams of horses now required on the farms. The harness shop now employs a number of men making and repairing harness for farm use. A very extensive carpenter shop is in operation employing a large number of men, making for farm and prison use all wagons, trucks, drays, wheelbarrows, furniture, boxes for shipping canned goods, hundreds of beehives for the apiary, and scores of small implements in daily demand on a great farm of this kind. The tin shop employs a large number of men making milk pails and utensils for the dairy, thousands of cans for the cannery, kitchen utensils for the prison and dormitories, eave troughs, drinking fountains, and all other tinware required on the farm or in the prison. A sawmill is maintained and is especially serviceable for winter work, where all the lumber necessary for the prison and the farms is sawed. The prison owns a herd of about 600 cattle, which supplies all the milk, cream, butter, cheese, and beef for the prison. The surplus is sold through the usual channels of trade. A large slaughtering establishment is maintained. All cattle hides and sheep hides are tanned in the prison tannery. The prison shoe shop makes all the shoes for the inmates from prison-made leather. These subsidiary industries are dependent, very largely, upon the maintenance and operation of the farms, and every year a large number of men are trained in these shops and readily find positions at good wages when they leave the prison.

It became apparent to Warden Simpson very early in his farm operations that a sufficient number of men could not be employed if the farms were operated along usual farming lines, namely, in the production of hay, grain, and live stock. The warden was at one time connected with a large canning concern in Michigan and thoroughly understands the canning business and canning trade. He came to the conclusion that by adding a canning factory to the prison industries he could undertake intensive farming on a large scale and thus give employment to a much larger number of men on the farms. The experimental cannery was such a success that it has been replaced by a modern plant, the output of which now exceeds \$100,000 per year in value.

Mr. HOWARD. Will the gentleman yield?

Mr. KELLEY. In just a moment. Last year, 80 acres of string beans were canned. These string beans were worth in the cans \$30,000, or \$375 per acre. One hundred and fifty acres of Alaska peas were raised last year. The peas, when canned, were worth \$40,000, and the vines and pods filled 12 silos with ensilage.

Mr. HOWARD. To whom did they sell?

Mr. KELLEY. They sold to everybody who wanted to buy through the usual channels of trade.

Mr. HOWARD. Did not the private canners kick about it, as the gentleman over there kicked about the furniture trade?

Mr. KELLEY. They did at first. They soon found the prison made such a high grade of canned goods that the prison product did not depress the market. The prison goods have always brought the highest market price.

Mr. MONDELL. Are they marked "prison-made goods"?

Mr. KELLEY. Yes; but that does not interfere with the sale of the goods, because of the high quality.

The plant also cans large quantities of apples, peaches, pears, cherries, pumpkins, squash, corn, sauerkraut, beets, pickles, tomatoes, and pork and beans. All of these canned goods are sold through the usual channels of trade at the highest market price and, in most cases, bear the prison label. Jobbers from various trade centers have visited the prison and have been so impressed with the cleanliness and sanitary conditions of the cannery and the excellent quality of the goods that they do not hesitate to pay the highest market price for the prison output.

The results of the system now in vogue in Jackson prison, from every point of view, are most gratifying. Work in the open air has greatly improved the health and spirit of the men. The desire on the part of the men to get out on the farms and away from the prison cells is a great aid to discipline. Any infraction of the rules stands as a bar to assignment on the farms. From a financial standpoint, the results are equally gratifying. Under the old contract system the taxpayers were annually called upon to pay about \$100,000 toward the support of Jackson Prison.

The CHAIRMAN (Mr. HAMLIN). The time of the gentleman has expired.

Mr. KELLEY. May I have five minutes more?

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY. As I say, this tax is no longer required for the reason that the prison has been self-sustaining for the last three years. Last year the warden charged off for depreciation \$25,000, spent \$100,000 for improving the conditions of the men by erecting dormitories and school rooms and in improving sanitary conditions. In addition to this, \$50,000 was paid to the men under the profit-sharing plan in operation at the prison. It is not the desire or the intention of the warden or the State ever to turn any of the profits of the prison back to the State. It is the intention of the State to further develop the profit-sharing plan so that the inmates may be able to contribute much more to the support of their families, who, in many cases, have become dependent upon the charity of the community. Or if an inmate has no one dependent upon him, his earnings accumulate to his credit and are drawn by himself when he leaves the prison and starts life anew.

Now, it seems to me that the Government of the United States ought to be in the very front rank in handling penal institutions. Instead of having the States set the example for successful and capable management of the prisons of the country the Federal Government ought to take the lead.

Mr. GARLAND. Will the gentleman yield?

Mr. KELLEY. I will.

Mr. GARLAND. I wanted to ask you who controlled the operations inside the prison. Is it an outside company?

Mr. KELLEY. Oh, no. No outside company has anything to do with our prisons any more except where the old contracts have not yet expired. The State operates the prison just exactly as an individual would operate it, to make money and to care for the men. It does not undersell the market, or anything like that, but sells in the market like any other producer.

Mr. GARLAND. When its products are sold outside, with the stamp on them "Prison-made goods," there is not another stamp permitted to be put on by a firm that sells them?

Mr. KELLEY. There is no trouble about the goods being sold at all.

Mr. GARLAND. I know that prison-made goods come into our State sometimes, where a business firm has put a stamp over a prison-made stamp, and hence they are sold in the market as fair-made goods.

Mr. KELLEY. In our State the prison product is so carefully prepared and is of such a high grade that the jobbers from all over the country are anxious for the product, and they often pay more for it than they pay for a similar product put up in private canneries. And so the private canneries soon came to learn that the prison product did not depress the market, but, on the other hand, it made a better market, if anything, for canned goods generally.

Mr. CRAMTON. Will the gentleman yield?

Mr. KELLEY. Yes.

Mr. CRAMTON. I will ask my colleague if it is not a fact in connection with the brickyards that are also maintained at Jackson prison that while at first a protest was made by brickmakers in Detroit concerning the sale of brick made there, that protest was withdrawn by the union men themselves after they had personally made an investigation of the conditions under which the bricks were made?

Mr. KELLEY. That is true. I do not understand that anybody is opposed to prison production simply because it is prison production. The thing complained of is, as I understand it, such methods of production and sale of prison products as result in unfair and unreasonable competition with free labor and free industries. It goes without saying, I take it, that convicts must be employed at something and that their employment should be useful and remunerative employment. It is not at all necessary that prison production should result in unfair competition. In fact, such competition is impossible in prisons conducted as reform agencies and where the prison authorities realize that only such conditions of employment should prevail as will contribute most to the reform and regeneration of the men.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KELLEY. May I have five minutes more?

Mr. SHERLEY. I do not desire to delay the discussion, but at present there is nothing pending.

Mr. KELLEY. I have offered an amendment which is before the House, unless the gentleman makes a point of order against it.

Mr. SHERLEY. The point of order is reserved against it, and will have to be made without regard to my own personal wishes about it.

Mr. KELLEY. May I ask the gentleman why?

Mr. SHERLEY. Because at present I am in charge of the bill and have no right to permit matters out of order to go on

the bill. In the absence of the chairman I feel obligated to do that. I will say to the gentleman frankly that while the land ought to be bought, I think before we appropriate we ought to know what the land is going to cost and where it is to be bought.

Mr. KELLEY. The testimony before the Judiciary Committee indicated that the land could be bought in the vicinity of Atlanta for \$25 an acre. I do not know whether it is true or not.

Mr. HOWARD. I do not know where it is.

Mr. KELLEY. A great many people have an idea that a prison farm must be located contiguous to the prison. That is not necessary at all. It may be located five or six miles away, or even farther.

Mr. ANTHONY. I will say to the gentleman that at Leavenworth they have 1,000 acres of land that is not being used in any way whatever, and near the penitentiary, although it is across the river.

Mr. KELLEY. Is it good farming land?

Mr. ANTHONY. It is the finest kind of Missouri farm land.

Mr. FARR. Mr. Chairman, I ask that the time of the gentleman from Michigan be extended for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. The gentleman from Michigan made the statement that the experiment was first tried at Jackson. Is it now extended to the other prisons of the State?

Mr. KELLEY. It is being so extended just as fast as contracts expire in the other prisons.

We have only one other prison, except a reformatory for young men. As fast as the old contracts expire this same plan is being put into effect in all our penal institutions.

Mr. HOWARD. In the gentleman's State do they work felony and misdemeanor convicts together or are they segregated?

Mr. KELLEY. We have separate institutions—

Mr. HOWARD. For junior and short-term men?

Mr. KELLEY. Yes. We do not put the young men with hardened criminals.

Mr. HOWARD. And then you have a separate and distinct organization for long-term or felony men?

Mr. KELLEY. Not necessarily long-term, but if a boy is convicted of crime he is sentenced to the reformatory for young men.

Mr. FARR. I suggest to the gentleman that he tell about the moral effect upon the prisoners.

Mr. KELLEY. I was going to answer a question propounded by the gentleman from Michigan [Mr. Cramton]. As I say, the objection of labor organizations to prison-made goods is not based upon the fact that the goods are made in prisons but upon the fact that they are sold, as a rule, in the market cheaper than similar goods made outside.

I am advised by those who have made a close study of the cost of production in prisons that whenever a prison is so conducted as to be self-sustaining the unit cost of production is as high as in free institutions making a like product. Any prison which sells its output at a price sufficient to pay all the expenses of the prison can not undersell the market. On the contrary, it must receive the highest market price for its output. It must be remembered in this connection that the overhead expenses connected with prison production are very great as compared with that of free production. There are the extra guards employed both night and day who must be paid. There are the old men in the prison, incapable of performing productive labor, who must be supported. There are the sick, who must be treated and for whom a hospital must be maintained. There are the lazy and the vicious, whose labor production is greatly reduced. There are those of weak mentality, who are necessarily inefficient. There are those engaged in nonproductive work about the prison who must be supported. There are the teachers, who conduct the prison schools. Jackson prison maintains a full 12-grade school, with a superintendent receiving \$1,800 per year. The prison maintains a splendid library, with current magazines and yearly additions of books paid for out of prison funds. Religious services must be provided for through the employment of a prison pastor who devotes his whole time to the work of the prison. All of these expenses, not borne by free industries, greatly increase the cost of production and equalize units of cost to such an extent that the prison product under such conditions of production will have no advantage in competition over products produced by free labor.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield there for a question?

Mr. KELLEY. Yes.

Mr. CHIPERFIELD. Is it not true that the principal objection of union labor to prison-made goods was that they were

made under the contract system instead of under the State-managed system?

Mr. KELLEY. I think so.

Mr. HOWARD. The American Federation of Labor, I will say to the gentleman, through its representative who appeared before the Committee on the Judiciary, said that that was the objection. If the goods are made for the use of the State, no matter what they are, there is no objection.

Mr. KELLEY. When we operated under the contract system we hired out the prisoners to prison contractors for 50 cents or 75 cents a day—much below the going wage outside.

Mr. CHIPERFIELD. With the use of the machinery?

Mr. KELLEY. Yes; and then the products of that labor were sold on the market cheaper than similar products could be produced on the outside. But when the State undertakes to make these goods and operates the plant, just as a private individual would operate it, and sells the goods at the highest market price, nobody should have any objection.

Mr. SNELL. Mr. Chairman, will the gentleman yield there?

Mr. KELLEY. Yes.

Mr. SNELL. Do you ever use your convicts on road making?

Mr. KELLEY. No; not to any extent, simply to provide good roads between the prison and the farms.

Mr. SNELL. We use them in New York State for that purpose, and no one objects.

Mr. KELLEY. I have no objection to using certain classes of convicts for making roads, but I think work on the farms far preferable, from every point of view, to any other kind of employment. Further, farming on a large scale includes a number of incidental occupations, such as wagon making, harness making, and the like, which furnish a great diversity of employment useful to the men when they are released.

Mr. GILLET. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. GILLET. Is it not very expensive to make these wagons and harness, and so forth, on so small a scale?

Mr. KELLEY. Well, I think the labor entering into these things is very profitably employed. It is a policy of our prisons never to buy anything which can reasonably be made at the prison.

Mr. HOWARD. Taking into consideration that the labor must be utilized anyhow?

Mr. KELLEY. Yes; taking into consideration the fact that the labor must be utilized anyway, and that the chief function of the prison is to train men for useful citizenship, it is highly desirable that nothing should be purchased for the prison which the prison itself can reasonably make or produce.

Of course, it is not possible to furnish employment for all convicts on the farms. There are always those who can not be trusted with so much liberty. To take care of this need Jackson Prison has installed a binding-twine plant, which makes about 12,000,000 pounds of binding twine annually. One half of this is sold through the usual channels of trade and the other half through the grange and the gleaners or direct to the farmers. It is necessary to provide employment for about one-third of the inmates within prison walls. Therefore it is necessary to supplement the farming activities with inside employment to this extent.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. GARLAND. Mr. Chairman, I hope that the amendment offered by the gentleman from Michigan [Mr. Kelley] will be adopted. I think it is a right step for the Government to take, and even at that the Government is only following in the footsteps of some of the States. Pennsylvania, for example, has gone into that kind of work; and such work as he describes as belonging to the farm and to agriculture, such as making harness and wagons and plows and such things as are used on the farm, utilizes the kind of labor that might not be able to go out on the farm.

There has been a great cry raised in this Congress and all over the country for the last few years to send men back to the farm to till the soil and raise the products that we live on. Here are a lot of people who are in your hands. You may make of them what you choose, and there is less opposition to associating with them when they come out on the farm and are separated than when they are in a city where everybody knows their record. This is a step in the right direction, and if it were followed by the Government in every case it would go far toward the solution of that great problem of "back to the farm"—further than any other means that I know of.

Mr. HOWARD. Mr. Chairman, I want to speak a word or two about this proposition that has been submitted by the gentleman from Michigan [Mr. KELLEY]. We have heard a great deal about the magnificent prison system in operation in the gentleman's State. I think it is one of the model prison systems in operation by any of the States in the Union. But there is a great distinction between the class of men that go into Federal institutions and those that generally drift into State institutions. For instance, we have a class of what might be called the "bon ton criminals"; that is, the bankers that often are a little careless with other folk's money. They get into the penitentiary, and there are quite a lot of them. Then, we have a vicious class known as the "yeggmen" and post-office robbers and black-hand operators. Then, we have a class of petty thieves that under the State law would commit the minor misdemeanors, such as stealing a few stamps or committing depredations upon Government property.

Ever since 1896 the Government of the United States has been engaged in building this prison at Atlanta, and from that day to this has been engaged in the construction work there. I agree with the gentleman from Michigan that some of these prisoners could be used on a farm, but I have always noticed that when the Government commenced to engage in any activity and any class of people had to come into competition with anybody else an objection was always interposed, and it was suggested that you throw this competition on the farmer. "Let him compete with your Uncle Reuben; you can not hurt him." So it is suggested to throw these convicts in competition with the farmers. Do not throw them in competition with any of these manufacturing industries that by some method have a monopoly of Government contracts, but throw them on your Uncle Reuben, and let them raise potatoes or cowpeas or cotton or something else, because you can not hurt Uncle Reuben, and no one cares how much competition he has. He has been kicked and cuffed around so much by special privilege that he will not mind. That is this suggestion.

What do we propose here? I presume that practically all of the men who were interested in these questions were consulted about it, and it was suggested that we create a commission. We have got to do something with this labor. It is just as expensive for the Government to keep it in idleness as it is to utilize it, and these convicts are there. The building program, as I stated awhile ago, is about completed, and there are several hundred men in prison there without a thing to do. If this provision does not go through, or some similar provision—

Mr. SNELL. Who anywhere would object to building good roads throughout the country?

Mr. HOWARD. True; but that is not practicable. Take the State of Georgia, for instance. I got a telegram to-day from the mayor of Savannah, which reads as follows:

SAVANNAH, GA., February 27, 1917.
HON. WILLIAM SCHLEY HOWARD,
House of Representatives, Washington, D. C.:

For eight months, May to December, inclusive, arrests for drunkenness were 221 against 923 same months previous year. Insanity cases were 73 against 118. At close of January there were 219 in convict camps as against 441. County commissioners will have to hire free labor to work on roads, as number of prisoners at their disposal steadily decreasing. If liquor could be absolutely excluded under National and State laws there would be further tremendous slump in crime and insanity. Prohibition laws have proved wonderful blessing, but need strengthening through Reed amendment, or similar legislation.
WALLACE J. PIERMONT, Mayor.

Prohibition came into effect, and we got to enforcing it, and now they have reduced their force of convicts over 50 per cent, and now they are going out and contracting for free labor. You can not work desperate convicts on the highways. The States, as a matter of fact, do not attempt to work life convicts on public highways because of the fact that they will take any chance to escape, and sometimes in escaping they commit the most atrocious assassinations.

Mr. PARKER of New York. The gentleman is very much mistaken about that, because in the State of New York they do work all kinds of criminals on the highways, and have done it successfully.

Mr. HOWARD. As a general rule—I do not know of a State with which I am acquainted that has been working life convicts on public highways, except in thickly populated sections, and not in remote sections, and I have given some little study to the subject.

Mr. CHIPERFIELD. They use them on the roads in Illinois.

Mr. PARKER of New York. They are doing it in the State of New York, I will say to the gentleman from Georgia.

Mr. HOWARD. They may be doing it successfully there, but it is risky business wherever it is done. Now, as I said awhile ago, we have got to do something with these prisoners.

It is a question whether you gentlemen are willing to make sacrifices to some particular pet industry in your district and let these men be utilized in doing something practical and profitable to the Government, or whether you want them to sit down and look at one another for the period of 14 months, or until Congress reconvenes.

Mr. PARKER of New York. Will the gentleman yield to me? Mr. HOWARD. Yes.

Mr. PARKER of New York. I wish to state that in our State roads that cost \$12,000 a mile under contract are built by prison labor at an expense of less than \$4,000 a mile.

Mr. HOWARD. If the gentleman will come down into the great State of Georgia I will show him some roads that have been built by convict labor at \$790 a mile, and he can run his automobile over those roads at the rate of 60 miles an hour if he so desires.

Mr. PARKER of New York. The gentleman in naming that figure is not taking into consideration the time of the convicts, as we have.

Mr. HOWARD. In a newspaper published here in Washington I saw a statement this morning, instigated by somebody, that the labor organizations were opposed to this bill. I want to say that I have got the personal indorsement of Mr. Gompers, president of the American Federation of Labor, and the indorsement of the Atlanta Federation of Trade, who are in the immediate neighborhood of this prison. They have indorsed this proposition most heartily. John Mitchell, one of the great labor union workers of this country, has indorsed this proposition. They have no objection to it. The only objection we have ever had is the one suggested by some gentlemen on this side awhile ago that these convicts were leased by private manufacturing concerns, and then that labor was used at a very low price and its products sold in competition with the products of men who had to earn larger wages for the support of their families. That was the objection to the system of the past. We had that in Georgia, to the disgrace of our State, when we used to lease these convicts by the year to lumber concerns and coal-mining companies, who used to work them 12 and 14 hours a day, rain or shine, hall or snow, and wrung the last atom of strength out of their bodies and sold it to the public at a reduced price, and came in competition with free labor. That was the objectionable feature of this despicable system, and that is the system that the people of Georgia placed their foot upon and the system that every other State has repudiated. We are making progress, and this is one great, progressive step that the Government of the United States proposes to take in a humane system, that will lead the way not only for the States of this Union to follow but for the nations of the world to follow in carrying out the true purpose of punishment, to wit, the reformation of the man who has been so penalized, and return him to society a new-made man, morally and physically. [Applause.]

Mr. FITZGERALD. I make the point of order.

Mr. CHIPERFIELD. I would like to have five minutes.

Mr. FITZGERALD. This item is not in order in connection with this paragraph. There will be a rule brought in later—

Mr. CHIPERFIELD. I do not want to intrude on the time of the House.

Mr. FITZGERALD. The gentleman can get time later, when the rule comes in.

Mr. CHIPERFIELD. I wanted to speak on this subject, but I shall not intrude at all.

Mr. FITZGERALD. The rule will be in connection with the establishment of manufactures—

Mr. CHIPERFIELD. I will say to the gentleman that I am very much interested in the subject. I am the author of the convict-labor law of Illinois, and have made a very careful study of it, and am interested in it, even though this goes out on the point of order.

Mr. FITZGERALD. I will withhold the point of order for five minutes, and after the gentleman from Illinois finishes I will make the point of order.

Mr. CHIPERFIELD. I am very sure that the House will acquit me of any intention merely to consume the time of the House, for I think I have refrained fairly well from doing that since I have been in the House. If the personal allusion will be pardoned, I was the author of the convict-labor law of Illinois, and years ago, when I was framing that law, I became very greatly interested in this problem and am extremely interested in it at the present time. I have watched with a great deal of interest and genuine delight the passage of laws for the abolition of contract system, whereby shops and power and labor of convicts were let to private contractors at a price less

than the cost to the State. That system is now nearly eliminated.

I appreciate that the point of order is good as to the item involved here, but it occurs to me, gentlemen, that we should proceed with something else in view other than merely the parliamentary question of whether or not the point of order can be interposed and sustained. I have investigated practically all the prisons of the United States and know something of this question. The modern thought regarding criminals is not punitive alone, but has in view the regeneration of the men who have violated the law with a view to their restoration to society, to the end that they may become once more useful members of organized society and take up again the duties of citizenship in a better and more useful manner than they did before. There is absolutely nothing that would bring about a better result than the suggestion that has been made in the substitute offered by the gentleman from Michigan [Mr. KELLEY]. To put these men at work on the farm under conditions similar to those with which they will be again confronted when they return to freedom is the very ideal thing to do. The system under which men work in the penitentiary and reformatory is too often an artificial system. A man formerly, under the old system, was required to make a strap of a harness, or a small part of a shoe, or the rung of a chair, or some small portion of some machine, or part of an implement, or a fragment of a piece of furniture. The result was that when he was returned to society he was no better fitted to take up the duties and burdens of life than he was when he went to the penitentiary; but instead he had been mentally dwarfed and his manual ability lessened by the system which prevailed in these institutions, and thus he was returned to society less fitted for the duties of citizenship than when he was sent there. These men so sentenced have sinned against the law; it is true that they have committed an error; almost invariably they are defective in some way or other. It is said that three-quarters of the convicts that go to the penitentiary or reformatory are men who are defective to some degree. These men should be taken and put on the farm and taught not only the usefulness of labor but the honesty of labor and its dignity and instructed to the degree that they can, if they so desire, come back once more as useful members of society.

I have seen convict after convict from penitentiaries who have been there taught the dignity and honesty and usefulness of labor, who have forsaken their life of crime and have returned to their places in the world and taken up the duties and obligations of citizenship thereafter without further mistake, to the benefit of society and to the regeneration and salvation of their souls and bodies and to the benefit of their future welfare.

It seems to me that we might well waive the point of order that has been suggested and interposed and thereby benefit the State, benefit society, and, best of all, we would benefit the man who, while he has made his mistake, has also paid the debt, and give to him a chance in life to become a useful citizen. [Applause.]

Mr. CRAMTON. I would be glad if the gentleman would give us his view as to the degree in which the use of convict labor in making roads conforms to the suggestions he has made.

Mr. CHIPERFIELD. The making of roads has every advantage except one, and that is the greater cost of making the roads by convict labor than by free labor. Convict labor, with the system of camps and guards and organization that is necessary for their care to make roads at remote places from the penitentiary, and the added care of transportation, can not make roads as cheaply as can free labor.

Mr. HOWARD. The trouble about roads is they are capitalized with three units, and when you break it up into small units the labor would not be of any benefit.

Mr. CHIPERFIELD. In other words, the overhead charges on any considerable number of camps, perhaps widely separated, would be so much as to make such a system of very doubtful value.

Mr. FESS. Will the gentleman yield?

Mr. CHIPERFIELD. Certainly.

Mr. FESS. The gentleman is not so much concerned about the making of roads as he is to give the fellow an opportunity to return to society.

Mr. CHIPERFIELD. To put the man out in the sunlight of heaven, get him away from the atmosphere which is often foul in the prison, to let him breathe the free air and stand upright in the image of God is of the utmost value to his body and soul. Let him know that he is engaged in an honest occupation, and instead of feeling that the door of opportunity is closed to him he will come to learn that the door is open and that he may pass through and once more take up the tangled threads of life

and make a useful man of himself. That is the whole thought of prison reform at the present time, and to make a man and useful citizen of the convict is its highest ambition.

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. BRYAN, and Mr. SMOOT as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the erection of shop buildings or factories and their appurtenances, \$120,500; for the purchase and installation of cotton textile machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing cotton textile goods, \$315,500; in all, \$445,000.

Mr. SNYDER. Mr. Chairman, I make a point of order to the paragraph, lines 11 to 16, page 128.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Objects miscellaneous, Department of Justice.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 128, line 23, strike out the first two words and insert in lieu thereof the words "miscellaneous objects."

Mr. MANN. Mr. Chairman, this relates to miscellaneous objects. Yesterday, or the day before, I made reference to the Bureau of Efficiency not having signed their annual report. I have a letter from Mr. Brown explaining how his real letter was lost between the President's office and the Printing Office, and I ask leave to extend my remarks by inserting it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

UNITED STATES BUREAU OF EFFICIENCY,
Washington, February 26, 1917.

HON. JAMES R. MANN,
Minority Leader, House of Representatives.

DEAR MR. MANN: I thank you for your complimentary reference to the Bureau of Efficiency on the floor of the House on Saturday evening.

Your criticism of the bureau's report was right. I am pleased, however, to inclose a copy of the letter of transmittal which was attached to the report when it left this office. By accident the letter was detached from the report somewhere on its journey between this office and the office of the Public Printer.

With high regard, I am,
Sincerely, yours,

HERBERT D. BROWN,
Chief Bureau of Efficiency.

LETTER OF TRANSMITTAL.

DECEMBER 20, 1916.

To the PRESIDENT:

The acts of Congress approved March 4, 1915, and February 28, 1916, direct the Chief of the Bureau of Efficiency to submit to Congress through the President an annual report of the nature and progress of the work undertaken by the bureau and of the bureau's expenditures. The accompanying report covers the work of the bureau from the date of its organization as a division of the Civil Service Commission to October 31, 1916.

Very respectfully,

HERBERT D. BROWN,
Chief Bureau of Efficiency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

Defending suits in claims against the United States: For necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and such other expenses as may be necessary in defending suits in the Court of Claims, including not exceeding \$500 for law books which shall be available to keep current existing sets of United States Supreme Court reports, to be expended under the direction of the Attorney General, \$17,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I was under the impression that we were getting rid of the Indian depredation claims. Possibly a lot of them have been reinstated under the act that we passed a few years ago.

Does the gentleman know how much of this appropriation is being expended?

Mr. FITZGERALD. There are over 100 cases, and in 1915 we passed an act removing one of the disabilities.

Mr. MANN. I understand.

Mr. FITZGERALD. The board has reinstated a number of cases. It would take some time to dispose of those that remain and those that were reinstated under that act. Then there is pending in the Senate a bill which eliminates the amity defense. If that should be enacted—

Mr. MANN. That will not be enacted. The gentleman need not make any appropriation upon the basis that that will be enacted.

Mr. FITZGERALD. It is not upon that basis, but it is upon the basis of the cases that were pending and that were reinstated under the act of 1915.

Mr. MANN. I just wondered whether this appropriation was being expended or whether it was for possibilities.

Mr. FITZGERALD. There are 143 cases pending, and the force employed is one lawyer, one stenographer, and one messenger, and the compensation aggregates \$5,240. There is also one attorney in the field. The rest is for subsistence and travel.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding \$15,000 for salaries of necessary employees at the seat of government, \$200,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend, page 131, line 11, after the word "laws," by inserting the words "and prosecutions incident to unlawful speculation in food supplies," and on page 131, line 13, strike out the figures "\$200,000" and insert "\$300,000."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order that it is not germane.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask the gentleman to reserve the point of order.

Mr. FITZGERALD. I will reserve the point of order for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, the purpose of that amendment, which I think the committee ought to accept, if it desires to save the Government money, is to have an investigation to be followed up by prosecutions on the part of the Attorney General of the United States in the matter of the increase in food prices, or the possible illegal combinations that may control food prices at the present time. The gentleman from Missouri [Mr. BORLAND] the night before last offered an amendment to this bill proposing an appropriation of \$400,000 for the purpose of investigating the causes for the increase in the price of food. His amendment passed, and if sustained by Congress it postpones indefinitely any immediate relief to the people who are now suffering from the high cost of food supplies. Why the gentleman from Missouri changed his tactics and abandoned his plan to obtain a real investigation and prosecutions, if need be, I do not know, because the gentleman from Missouri concedes that the Attorney General of the United States has sufficient power under existing law to make necessary prosecutions. What the people of the United States want is relief from the unbearably high prices that now prevail. They want no more investigations that postpone for a year and a day. They want relief, and they want it now. The gentleman from Missouri is as familiar with that fact as is any man in this House. For a series of months the gentleman from Missouri has attempted to have passed by the House a drastic resolution that would bring to book certain of the large manipulators in food supplies in the United States—

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BORLAND. Does the gentleman think that the poor people in his city can eat lawsuits?

Mr. MOORE of Pennsylvania. I think the poor people in my city could get along a good deal better with an immediate reduction in the cost of food without expending \$400,000 to investigate the matter. My people see no relief in the investigation, which

will only go on and determine something which they know as much about as the investigators will.

Mr. BORLAND. Did the gentleman oppose the investigation of the Paper Trust?

Mr. MOORE of Pennsylvania. I opposed the gentleman's motion for an appropriation of \$400,000 to employ "deserving Democrats" to go off on an investigation tour while the people want food.

Mr. BORLAND. Did he oppose calling down the Paper Trust?

Mr. MOORE of Pennsylvania. If there is a Paper Trust, I would oppose it. I do not recall the matter being before the House.

Mr. BORLAND. Did he oppose the methods used to call down the Paper Trust?

Mr. MOORE of Pennsylvania. If there was any investigation to upset monopoly, I would incline to be for that investigation. I would like to know whether the Paper Trust investigation has come before the House, and I would like to know whether any committee has ever dared to bring it in. I would like also to know whether any committee of the House has yet dared to bring in a resolution to investigate the charges made by the gentleman from Texas [Mr. CALLAWAY] concerning war news? Why, the chairman of the Committee on Rules, who has been approached upon this matter, has already indicated, by appearances at least, "that Mars is very far removed from this earth." I am inclined to think the gentleman's \$400,000, to be taken from the pockets of the people of this country, is very far removed from any reduction in the price of food.

Mr. BORLAND. I beg the gentleman's pardon. I took him seriously for a few minutes.

Mr. MOORE of Pennsylvania. The gentleman knows I have but five minutes, and the gentleman wants to consume my time. I want to save the Government money and to get the results on this food business quickly. I would rather give the Attorney General \$100,000 extra to get results than to spend \$400,000 to employ a number of investigators to follow out the suggestion of the gentleman from Missouri. What we want is results.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MONDELL. Will the gentleman withhold his point of order?

Mr. FITZGERALD. No; I made a mistake in letting the gentleman from Pennsylvania speak. I want to make some time on this bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out \$200,000 and—

The CHAIRMAN. The Chair will state the parliamentary situation. The Chair sustains the point of order if the gentleman from New York makes it.

Mr. FITZGERALD. I make it.

The CHAIRMAN. The Chair sustains it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to amend by striking out \$200,000, page 131, line 13, and insert in lieu thereof \$100,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 131, line 13, strike out \$200,000 and insert \$100,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, if we are going to refer business to the Attorney General, who does not seem inclined to operate under the antitrust laws of the country—having the Sherman antitrust law upon the statute books and that new and magnificent piece of legislation passed by a Democratic Congress, the Clayton antitrust law—I say if he is unable or disinclined under those two laws to assume authority to prosecute trusts or combinations that corner the food supplies and make it difficult for the people to obtain the necessities of life at moderate cost, and we are to give the Federal Trade Commission \$400,000 to go on with this food investigation, then we might as well begin to save on appropriations to the Attorney General, who does not seem to be inclined to act. I observed before that I was not in favor of wasting \$400,000 employing gentlemen who come here with Democratic sponsors to pursue an investigation all over the country, which will produce no immediate results for the poor people of New York who are asking the mayor of that city to give them food. I am not in favor of sending these highly paid officials over the United States to harass business men, to make a lot of inquiries, and then come back and dump their volumes of testimony on us. They will have no power to enforce their findings, no power to bring about results, and, therefore, their efforts will be extravagant. If the gentleman refuses to consult the Attorney General, who has the power under existing law to make needed investigations and prosecutions, then, perhaps, we had better

take away from the Attorney General a little of the money we give him for investigations that do not amount to anything. I now yield to the gentleman from New York.

Mr. PLATT. When the Clayton antitrust law was passed, was it not the purpose of that act to exempt all these trusts from prosecution by so balling up the decisions that they could escape?

Mr. MOORE of Pennsylvania. If the gentleman wants my private opinion publicly expressed, I am inclined to think that the Clayton antitrust law, which was brought in with the boast that "it had teeth in it," that it would "put malefactors in jail," and all that sort of thing, had all "the teeth" extracted before the bill was passed. There has been such a friendly relationship between the administrators of the law under the Clayton antitrust law and the so-called hitherto malefactors of great wealth as to lead to the suspicion which the gentleman from New York has indicated by his question. There seems to be no desire to prosecute anybody under the Clayton antitrust law; some parts of it have even been repealed. Indeed, I would venture a challenge to the other side that they produce, if they can, a single prosecution brought by the Attorney General of the United States against any one of the "malefactors of great wealth" or the name of a single man put in the penitentiary. The Democratic platform contended that "malefactors of great wealth" were men the Democratic Party was after, who were eventually to be put behind the barriers.

If any man will tell me whether any of the great magnates of the Beef Trust have been put behind the barriers, I would be glad to have him do it. I recollect reading somewhere of a meeting of these so-called "magnates" during the campaign in the State of Ohio, and, if my memory is not awry, a distinguished Member of this House welcomed them to the city and gave them "the glad hand." They were acclaimed as very useful citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, this appropriation is provided for the purpose of enforcing the antitrust laws. I did not assume that anyone would desire to debate again the question that was disposed of Saturday relative to the investigation by the Federal Trade Commission. Perhaps there is a purpose behind this amendment not disclosed by the gentleman from Pennsylvania who represents a State which has been notorious for the number of its inhabitants who have been the defendants in the prosecutions that have been carried on under this fund. It may not be a matter therefore of surprise that the gentleman from Pennsylvania, under the plea of a desire to enforce an investigation or prosecution—

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. Of these—

Mr. MOORE of Pennsylvania. Will the gentleman name any Pennsylvanian, a malefactor of great wealth, who has been put in jail?

Mr. FITZGERALD. Mr. Chairman, I decline to yield.

Mr. MOORE of Pennsylvania. I thought the gentleman would.

Mr. FITZGERALD. I decline to yield.

Mr. MOORE of Pennsylvania. I thought the gentleman would.

Mr. FITZGERALD. Mr. Chairman, I insist on order; I insist on the gentleman taking his seat. Somebody has to have some time to say something in this House besides the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Will not the gentleman yield now? I will take my seat.

The CHAIRMAN. The gentleman will be in order; the gentleman from Pennsylvania is out of order.

Mr. FITZGERALD. It is not surprising that the gentleman from Pennsylvania, as I was saying, would be anxious to curtail the amount of money available for the prosecutions of these offenses. He inquired if I would name a citizen from the State of Pennsylvania who had been included in this category of undesirable citizens.

Mr. MOORE of Pennsylvania. I did not ask the gentleman that.

Mr. FITZGERALD. I decline to yield.

The CHAIRMAN. The gentleman declines to yield, and the gentleman from Pennsylvania [Mr. MOORE] must remain in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask—

Mr. FITZGERALD. I insist on order.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] has the floor, and no other Member can take the floor when the gentleman from New York has it, and the gentleman from New York declines to yield.

Mr. MOORE of Pennsylvania. A parliamentary inquiry.

Mr. FITZGERALD. Mr. Chairman, I ask to be protected.

The CHAIRMAN. The gentleman from Pennsylvania will state the parliamentary inquiry.

Mr. MOORE of Pennsylvania. The gentleman having declined to yield on one occasion when interrogated by the "gentleman from Pennsylvania"—

Mr. FITZGERALD. I decline to be interrupted at all.

Mr. MOORE of Pennsylvania. And the "gentleman from Pennsylvania" then again having asked the gentleman to yield, was he not in order?

The CHAIRMAN. The gentleman from New York has declined to yield at any stage of his address, so he informs the Chair.

Mr. MOORE of Pennsylvania. If he does, all right.

Mr. FITZGERALD. Mr. Chairman, I ask the Chair not to permit anybody to interrupt me.

It would be idle to single out for particular distinction any one citizen of the State of Pennsylvania who has been enumerated in this category. The number is legion, and it constitutes a considerable portion of those who have been stalwart with the gentleman and the party to which he belongs. It is one of the few places in the United States where the light has not penetrated, where an intelligent public opinion has not been developed, and where, in the light of modern progressive, advanced ideas, the old reactionary element of the Republican Party has not been relegated to oblivion. They saw the handwriting upon the wall, and those representing them and those kindly interested in them would curtail the power of the Attorney General, and would, if possible, restrict the funds available for the prosecution of that undesirable element of the public that has so long preyed upon the great masses of the people whom we on this side represent so thoroughly and so effectively. [Laughter and applause.]

Now, I hope, Mr. Chairman, that the gentleman from Pennsylvania having secured, by his amendment that was not in order, the opportunity to further discuss the question, and knowing that this money is necessary to enable the Attorney General to maintain that force of assistants that is required in order to enforce the antitrust laws and prosecute the violators, regardless of where they may be located, we will not waste any more time upon this matter. The Department of Justice has ample funds, having been given the amounts recommended by the committee, to carry on its work efficiently. It is so late in the session and it is so important that this bill should pass, that I appeal to the House to suppress all these inclinations to demagogic appeal. Let us transact the public business and discuss only the imperative questions that require discussion and consideration at this time.

Now, Mr. Chairman, I move to close debate upon the paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to close debate upon this paragraph and all amendments thereto.

The motion was agreed to.

Mr. GREEN of Iowa. I will say to the gentleman that he will not make anything by that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Suits affecting withdrawn oil lands: To enable the Attorney General to represent and protect the interests of the United States in matters and suits affecting withdrawn oil lands, and for expenses in connection therewith, including salaries of necessary employees in Washington, D. C., \$65,000.

Mr. MONDELL, Mr. GREEN of Iowa, and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming [Mr. MONDELL], a member of the committee.

Mr. MONDELL. Mr. Chairman, the item just read provides an appropriation to enable the Attorney General to represent and protect the interests of the United States in matters and suits affecting withdrawn oil lands, and so forth. It is a very important service, and should be well provided for in an appropriation, and the committee has provided for it amply.

In connection with this matter and of Government suits for the protection of oil lands, some very interesting things have developed. The Government has for many years been maintaining a very considerable force of attorneys, who have had wide and extensive experience in the enforcement of land laws and in protecting the rights of the people of the United States in the public lands; and when we took up this important matter of suits for the protection of very valuable oil lands it would have seemed proper, and reasonable, and natural that some one of these gentlemen who, by reason of his experience, was qualified for the work should have been selected to undertake

it. On the contrary, an attorney from North Carolina—a friend, as I understand it, of a gentleman who occupies a seat in another body than this—was placed in charge. Entering the public service without any previous knowledge or information relative to land laws, the conditions under which lands are located, or oil claims are held, he was put in full and complete charge of this vastly important work, involving properties of the aggregate value of many millions of dollars.

I have no criticism to make of the present qualifications of that gentleman for the work in which he is engaged. He has had several years of experience in connection with the matter. He is, I think, a good lawyer, and, being a good lawyer, he has informed himself with regard to the law and with regard to the facts in connection with these particular suits. But in the meantime, while we have been educating this gentleman from North Carolina in this class of work, we have had a number of attorneys in the service of the Government who are already qualified for the work, aiding and assisting him in acquiring his education in these lines at public expense. While they are still drawing a salary of anywhere from \$3,500 to \$5,000, this gentleman is now drawing down his Government pay at the rate of more than \$12,000 per annum. I believe that he is handling these suits at this time ably, that he is prosecuting them earnestly, and I believe and hope he is going to be quite successful. But it is a curious illustration of the way we do things, to keep men in the public service for years with small salaries, educating them thoroughly in regard to the work they are expected to do, and then, when we have something really important, requiring a great deal of information and large experience, we pick up a lawyer somewhere, a favorite of somebody in a back district, and give him a large salary in order that we may educate him in the particular branch of the public service in which he is employed.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I do.

Mr. CALDWELL. Was not this precedent established by your Republican President of the United States, who went up to New York and permitted the district attorney for the southern district to resign in order that he might give him some large office?

Mr. MONDELL. Do I understand the gentleman is justifying what has been done by this administration on the ground that some other administration has been charged with doing something of the same sort?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SHERLEY. Mr. Chairman, I am quite sure that what the gentleman from Wyoming [Mr. MONDELL] has said he has said sincerely, and so in what I shall say I do not mean in any way to reflect in the slightest degree on him or his motives in the speech he has just made.

The most important litigation that the Government of the United States has been engaged in for a great many years, and probably the most important litigation that it will be engaged in for a great many years to come, relates to the oil lands of California. President Taft made an order withdrawing from entry these oil lands. There were some applications that had already been made. After his order there were a great many other applications made by men who were not willing to recognize the validity of that withdrawal, or at least were willing to gamble on getting a claim to these very valuable lands. Subsequently Congress expressly approved and authorized the withdrawal of those lands. The Department of Justice then undertook to bring suits for the cancellation of some of the patents that had been issued, and to conserve these lands for the Navy and for the people of the United States.

Perhaps the most powerful lobby that this country has ever seen has been very sedulously at work to break down the efforts of the Government and to get control of these lands, whose value runs into the millions of dollars. The department employed Mr. Justice, an attorney of North Carolina; not a backwoods attorney, but a man whose reputation as a very able lawyer was known by all of the lawyers of that State and by many elsewhere. Whether or not he was originally familiar with land law I do not know; but this fact I do know, that with the exception of one small litigation he has been successful in every suit that has been brought, and he has succeeded in recovering for the Government property of tremendous value, and he has had to meet and has met the most skilled counsel that money could provide for the claimants against the Government, and he is to-day engaged not only in the prosecution of these suits, but in others in which, if he is successful, he will probably recover from the Southern Pacific

Railway Co. property running up into the hundreds of millions on the ground of patents having been fraudulently issued to them. He is being paid a salary that amounts now to about \$13,000, and is required to pay all of his expenses other than actual traveling expenses.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MONDELL. In addition to which he is to receive such further sum as the Attorney General may grant.

Mr. SHERLEY. The gentleman, in that particular, is mistaken. Since the hearing was had I have actually seen a letter of the Attorney General stating the terms of the existing contract between the Department of Justice and Mr. Justice, which does not provide any additional compensation.

Mr. MONDELL. I am not complaining. I understood that to be the fact.

Mr. SHERLEY. I so understood it; but I now make the statement as the result of having seen the letter from the Attorney General to Mr. Justice as to the terms of his employment, which provide as I have stated. He is doing work that is of tremendous importance to this Government. He is doing it against all the influences that great, powerful financial interests can bring to bear, and if there is one thing that is important for the Congress of the United States, it is in no way to take from the Department of Justice any of the power it may have in the prosecution of these suits and in the recovery to the Government of this land of tremendous value and conserving to the country and to the Navy oil deposits that are in value beyond computation.

I thought it was due to the House that it should appreciate what great value lies under this item, because many of the statements that have been given out by the Department of Justice—perhaps "many" is wrong—but certainly one statement which undertook to apprise the people of the country as to what is involved in the struggle that was given out to be used by all the press by some means did not appear in the press at all.

Mr. DAVIS of Texas. Mr. Chairman, I have listened with great interest to the inquiries and propositions in regard to equipping the Government with the power to defend and protect the rights of the people. I want to increase that power, and I would like to see some branch of the Attorney General's office or the Department of Justice or some other authorized branch of the Government—I do not know what—investigate a trust, a reference to which I now have in my hand, itemized in the morning Herald of the city of Washington. It is an amazing and astounding proposition to me. This is the headline:

Blame Great Britain for shortage of food.

Mr. FITZGERALD. Mr. Chairman, I am compelled to make the point or order that the gentleman's remarks are not germane to this paragraph. I notified the House when the preceding paragraph was under consideration that I would object to extraneous debate.

Mr. DAVIS of Texas. I want to say that if the British lion is on our soil it is useless to expect me to vote to keep Germany from the sea. I want to kick the lion off our soil.

Mr. FITZGERALD. I insist on the point of order, Mr. Chairman, after notice to the rest of the House.

The CHAIRMAN. The gentleman will proceed in order on the pending paragraph of the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. DAVIS] may have five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Texas may proceed for five minutes. Is there objection?

Mr. FITZGERALD. I object.

Mr. DAVIS of Texas. Very well. I will be here to torment you some.

Mr. FITZGERALD. I am here to transact the public business. Go ahead.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands for removal of restrictions, allotted lands, Five Civilized Tribes: For necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, \$30,000.

Mr. MONDELL. Mr. Chairman, the item just read provides an appropriation for suits to set aside conveyances of allotted lands for the removal of restrictions, and so forth, in connection with the Five Civilized Tribes, thereby involving the general question of the employment of attorneys. I wish to speak for just a moment with regard to the very emphatic and very truthful statement made by the gentleman from Kentucky [Mr. SHERLEY] relating to the importance of the land suits and

the importance of having them vigorously prosecuted. Of course, I said nothing, as the gentleman knows, that in any wise reflects upon Mr. Justice. I have a very high regard for him and wish him success. He is a good lawyer, and he now has these things well in hand. What I desire to emphasize was the fact that this is more or less of an accident. In fact, it is an accident, I think, that having selected a man who was entirely unfamiliar with the intricacies of the land laws and of the practices under which lands are taken and held, he should have developed into a splendid prosecutor. What if it had happened, I will say to my friend from Kentucky, that some one had been selected who did not rise to the occasion as Mr. Justice has?

Mr. SHERLEY. If the gentleman will permit, Mr. Justice may have been ignorant of that particular subject, but he was not an untried lawyer. He was perhaps the ablest lawyer of his State, and one of the ablest lawyers of the country.

Mr. MONDELL. He has proven that he is a good lawyer. There is no doubt about that. Whatever he was before he was appointed, it is evident to everybody who knows about him that he is a good lawyer. But the department has any number of lawyers who are thoroughly familiar with all these cases, who knew all about them, who could have taken hold of them instantly, vigorously, and with knowledge of what was at issue. We have been very fortunate that this gentleman who knew nothing about them has finally developed into a very able advocate of the Government's cases.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the Record on the naval appropriation bill which recently passed the House and is now in the Senate.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the Record on the naval appropriation bill. Is there objection?

There was no objection.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands for removal of restrictions, allotted lands, Five Civilized Tribes: For necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, \$30,000.

Mr. MANN. May I ask the gentleman from New York with reference to this item of the bill: What is the present status of these suits to set aside conveyances of allotted lands of the Five Civilized Tribes? The matter has been running along for a good many years.

Mr. FITZGERALD. Two or three suits have been carried to the Supreme Court of the United States and certain important questions settled which control in a number of cases. There now remain 3,000 cases undisposed of. As the result of the decisions of the United States Supreme Court, a number of cases had to be dismissed, and following those decisions many cases have been settled. The defendants have acquiesced or practically confessed the bill of the Government and are retransferring the lands that were taken from the Indians. In a number of cases, however, it will be necessary to carry the litigation to a conclusion before the defendants will surrender the lands.

Mr. MANN. I had supposed that those cases that were tried practically settled all the principles involved in these suits.

Mr. FITZGERALD. The questions of law have been largely settled, but then there are a number of cases in which the issues of fact have not been determined.

Mr. MANN. Is this item likely to run along for many more years?

Mr. FITZGERALD. There were 7,000 cases undisposed of at the beginning of the last fiscal year, and they disposed of 3,400 of them. The smaller the number remaining becomes the more difficulty there is in contesting them, because they are the cases in which the defendants most persistently assert their rights against the claims of the Government.

Mr. MANN. I suppose a large number that were disposed of were disposed of without much controversy.

Mr. FITZGERALD. Oh, yes. Originally there were more than 30,000 of those cases and the number has now been reduced to about 3,600.

The Clerk read as follows:

Enforcement of acts to regulate commerce: For expenses of representing the Government in all matters arising under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including traveling expenses, to be expended under the direction of the Attorney General, including salaries of employees at Washington, \$10,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, on page 132, line 17, to strike out "\$10,000" and insert "\$9,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 132, line 17, by striking out "\$10,000" and inserting "\$9,000."

Mr. MOORE of Pennsylvania. I have heard the gentleman from New York [Mr. FITZGERALD] say he was pressing for the passage of this bill and was anxious that no time should be wasted and that there should be no unnecessary speeches on either side of the House. Since he made that statement I have observed that gentlemen on the other side of the House have not hesitated to speak when the spirit moved them so to do, provided, of course, they spoke in order. The gentleman from New York has done that on several occasions. I realize that he is right in his desire to hurry this bill through, so that there will be no delay on the part of the House and that necessary legislation may not be impeded. But this item providing for the enforcement of acts to regulate commerce brings up again the question of the distribution of the food supply of the country, a matter of very great importance to the common people, particularly to the people of New York, who, while singularly free from the charge of having in their midst any "malefactors of great wealth," are nevertheless subject to occasional raids on the mayor's office by the poor inhabitants of the city, who find the price of food supplies soaring so high—

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not discussing his amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am discussing the amendment, because food supplies to be distributed must be transported over the railroads, and they enter into interstate commerce.

Mr. FITZGERALD. I ask the Chair to rule on the question.

Mr. MOORE of Pennsylvania. And I am arguing as to the appropriation herein made, because we are not getting the results for the poor people who need the supplies that we ought to get from the present administration, which is asking for this appropriation.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order.

Mr. MOORE of Pennsylvania. I will be glad to do so, Mr. Chairman. The food supplies come largely from the rural districts and are transported over the railroads into the larger centers of population, where they are consumed by the people who are fortunate enough to have the money with which to buy them.

Mr. FITZGERALD. I make the point of order, and I insist upon it.

The CHAIRMAN. What is the point of order the gentleman makes?

Mr. FITZGERALD. That the gentleman from Pennsylvania is not discussing the amendment.

The CHAIRMAN. The Chair will have to examine the paragraph.

Mr. MANN. I submit that when it comes to enforcing the interstate commerce law it involves the matter of the regulation of freight rates.

Mr. FITZGERALD. No.

Mr. MANN. Then what does it involve?

The CHAIRMAN. The Chair is inclined to think that the gentleman from Pennsylvania is probably within the rule when he is discussing the question of transportation under this provision.

Mr. FITZGERALD. The Chair has not been paying attention to what the gentleman from Pennsylvania has been saying.

The CHAIRMAN. Probably that is true.

Mr. FITZGERALD. I do not blame the Chair. [Laughter.]

The CHAIRMAN. The Chair would like to ask the gentleman from New York what this appropriation is for.

Mr. FITZGERALD. It is to pay attorneys to represent the Interstate Commerce Commission or the United States in the cases brought by the Interstate Commerce Commission against the common carriers.

Mr. MANN. To enforce freight rates.

The CHAIRMAN. The gentleman will proceed. The Chair will try to pay more attention to what he says.

Mr. MOORE of Pennsylvania. Does the Chair desire to hear me on the point of order?

The CHAIRMAN. The gentleman will proceed in order.

Mr. MOORE of Pennsylvania. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has a minute and a half.

Mr. MOORE of Pennsylvania. Was the discussion of the point of order taken out of my time?

The CHAIRMAN. It was.

Mr. MOORE of Pennsylvania. It ought not to have been.

The CHAIRMAN. The Chair thinks so, and the Chair will say that the gentleman has two and a half minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope there will be no more points of order until I state the case clearly for the edification of the gentleman from New York, who has "no malefactors" in his midst, especially around the jurisdiction of Tammany Hall.

But, Mr. Chairman, what I desired to say in support of my amendment is this: That if the Attorney General is receiving \$10,000 now to enforce acts to regulate commerce and the enforcement of those acts has anything to do with the regulation of the food supplies that are transported over the railroads engaged in interstate commerce, he is receiving \$1,000 too much, and the appropriation ought to be reduced to \$9,000. That is the amendment that I have offered. I have offered it because the poor people of the city of New York have been traveling up and down the streets asking relief from a traffic congestion that is tying up the food supplies for export at the risk of increasing prices to the people of the United States. The gentleman from New York is entirely familiar with the situation because he is in favor of an embargo to prevent the shipment of food supplies abroad where now they are being sold cheaper than the poor people of the United States can obtain them at home.

Now, if the Attorney General gets \$10,000 to pay the traveling expenses of these inspectors enforcing the act relating to interstate commerce, we ought to save something on this appropriation and utilize the money in some other way so that we can get results for the plain people who need cheaper food in the United States. We ought to get results from the Attorney General or curtail appropriations.

No one is more familiar with the harrowing conditions that prevail in the city of New York than is the distinguished gentleman from New York [Mr. FITZGERALD] who opposes my amendment. He is not heartily in favor of wasting \$400,000 in an investigation that will result in nothing but a report two years hence. I trust the gentleman from New York, with his great big heart, throbbing for the welfare of his people, will stand with me in this effort to get immediate results for the welfare of the people who are demanding relief from the distress which now prevails.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Suits affecting title to Seminole allotted lands in Oklahoma: For necessary expenses incident to any suits brought, including the salaries of attorneys specially employed to set aside illegal conveyances of Seminole allotments, to protect the possession of Seminole allottees in their allotted lands, or in the prosecution of any criminal proceedings based on frauds perpetrated upon Seminole allottees with respect to their allotted lands, to be expended under the direction of the Attorney General, \$4,500.

Mr. OLDFIELD. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to insert in the RECORD a telegram and letter from T. J. Walbert, Batesville, Ark., my home town. Mr. Walbert is a splendid business man and no doubt gives a correct statement of the business conditions at the present time. I insert this letter and telegram for the information of the House and the country.

The letter and telegram are as follows:

BATESVILLE, ARK., February 24, 1917.

Hon. W. A. OLDFIELD,
Washington, D. C.:

As per letter yesterday, unable to ship to eastern or northern points on account of embargo. Are advised this morning customers in Omaha, Nebr., are requesting we delay shipments as embargo is affecting their trade. Think it necessary that the Government take steps quickly as will relieve situation. If something is not done quickly, the entire business of the country will become demoralized. Unless relief is obtained within a week or 10 days this company will be compelled to close down all of its plants, thus throwing out of employment upward of 300 well-paid employees.

T. J. WALBERT.

BATESVILLE, ARK., February 24, 1917.

Hon. W. A. OLDFIELD,
Washington, D. C.

DEAR SIR: We this morning wired you as per inclosed copy of our telegram.

We wish to inform you that the business conditions are getting serious, and if something is not done in the very near future to relieve the restrictions or embargoes placed on shipments moving East the manufacturing concerns of the South and Southwest will have to come to a complete standstill. We ourselves at this time are making but a few shipments to the West and Northwest and Southeast. We are this morning in receipt of a letter from one of our northwestern customers, requesting us to hold up shipments.

Should there not be a change in the next few days it is possible that all of our customers will refuse to take shipments. We at this time have practically filled up our warehouse with finished products, and should the situation not be relieved within the next few days it will be necessary for us to discontinue all of our woods operations, and also close down our plant here at Batesville. Should it be necessary to do

this it will throw not less than 300 men out of employment, also cause this company serious loss.

As advised in yesterday's letter, it appears to the writer that there is only one of two things to do, and that is, either Government ownership or Government control of railroads.

It is the writer's opinion that the business of the railroads—that is, the management and the service that they are rendering the public—are really getting in more unsystematic condition under the present way of operating same, and if there is not a change for the better in the near future there is no telling what the results will be.

Would advise that we are not getting our views from what we see in the newspapers, but from actual experience. In connection with the way of shipments with these said railway companies, to illustrate: Along during the holidays we ordered a rush shipment of coopersage flag from Seneca Falls, advising the parties to load quickly. This shipment was 24 days moving from Seneca Falls, N. Y., to Buffalo, via Lehigh Valley, a distance not to exceed 130 miles. By failure to deliver this shipment we lost several days' operation of our finishing plant, and were also compelled to expend quite a few dollars in rushing express shipments of coopersage flag which we secured from our friends in our line of business. And in quite numerous instances we have had rough material lie out at different railroad stations from one to three months at a time through the failure of the railroad company to furnish equipment to move this material from these points to Batesville.

We have suffered from this cause in the past enormous loss in timber, to say nothing of the loss of time we have suffered through being compelled to discontinue the operation of our plants, which necessarily worked a hardship on the employees, who are dependent upon their daily labor for their living.

We are greatly in hopes that some good may come from our telegram to you, feeling quite sure that you will make use of same, and also that other business interests will take this matter up with their Representatives, and in this manner cause a bringing about of the relief that is absolutely necessary under the present conditions.

With kind regards, we are,
Yours, very truly,

T. J. WALBERT.

The Clerk read as follows:

Federal Court Reports and Digests: For 179 copies of continuations of the Federal Reporter, as issued, estimated at 10 volumes per year, to continue sets now furnished various officials, at \$2 per volume, \$3,580.

Mr. SWEET. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 133, add at the end of line 6 a new paragraph as follows:

"To pay for complete sets and additional volumes as issued of the Federal Reporter and Digests thereof directed to be furnished under section 229 of the act to codify, revise, and amend the laws relating to the judiciary, \$97,375."

Mr. SWEET. Mr. Chairman, the present bill does not in any manner provide that sets of the Federal Reporter be sent to the various libraries in the United States where the district court of the United States is held. It simply provides for the continuation of sets which have already been sent to certain libraries where the courts are held.

Now, under section 229 of the Judicial Code I find the following:

The Attorney General is authorized to procure complete sets of the Federal Reporter, or, in his discretion, other publication containing the decisions of the circuit court of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals or a district court is now or may hereafter regularly be held.

I call the attention of the House to the language of the section just read: "Each place where a circuit court of appeals or a district court is now or may hereafter regularly be held."

In the latter part of the section we find:

All reports and digests distributed under the provisions of this section shall be and remain the property of the United States and, before distribution, shall be plainly marked on their covers with the words "The property of the United States," and shall be transmitted by the officers receiving them to their successors in office. Not to exceed \$2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed \$5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section.

Now, the Attorney General in his report submitted to Congress an estimate of \$97,376 for completing these sets, and also placing these sets in the libraries in the various United States courts where they are not at present.

At Waterloo, Iowa, we have had sessions of the United States district court for a number of years. At present there is no library there. The Federal judge is anxious to have the Federal Reporter and Digests placed there, and he is also anxious to have the United States Reports placed there. At this time we are not asking that the United States Reports be placed there, but are simply asking that the Federal Reporter and Digests will be furnished. The same condition exists at Cedar Rapids.

Mr. BORLAND. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. BORLAND. The gentleman is not asking for the official reports but for a private set of reports published by a private company in Minneapolis. The gentleman is asking that we buy some books of this publishing company; he is not asking for the official set.

Mr. SWEET. Mr. Chairman, the law already provides that this set shall be furnished to every United States court in the country, and I am simply asking now that Congress make an appropriation so that these reports may be furnished to these various libraries. Of course, it will not cost \$97,376 to furnish these reports for use in the United States courts at Cedar Rapids and Waterloo, Iowa; but, if I am properly informed, there are about 170 different courts in the United States that have not been furnished with Federal Reporters, and this amendment is simply in accordance with the estimates that have been made by the department. The law already authorizes that a distribution of this kind shall be made, but of course it can not be made unless this Congress appropriates a sufficient amount of money to make the distribution.

Mr. GREEN of Iowa. Mr. Chairman, I am in sympathy with the amendment offered by my colleague [Mr. SWEET], but there are some features of this bill which will interfere with the use of these books. Upon the preceding page you will find a proviso which I intended to move to strike out but was prevented from doing by the motion of the gentleman from New York. However, I can discuss just as well in connection with this particular item. My colleague desires to add to the number of books which might be purchased under this paragraph—books which are intended for the use of prosecuting attorneys and the judges of the district courts, but when they get these books and commence to look into them for the law, and also examine some of the provisions of this bill, they will find that certain portions of the law will not go into effect. I refer particularly to the proviso on the preceding page, which is intended, I suppose, to prevent the antitrust law from being enforced against farmers. That is, if it has any purpose at all, that is its purpose. It is true that the judge or the prosecuting attorney looking at the proviso might say that this is an insult to the farmers of the country, that they neither desire to be exempted from prosecution nor is there any occasion why they should be exempted from prosecution. The farmer can not combine if he would, and he would not if he could, to hold up prices of farm products, but nevertheless in connection the paragraph relating to the enforcement of the antitrust laws we find this proviso exempting those who engage in cooperative societies for the purpose of marketing farm products. This whole proviso is absurd. There is no sort of restraint of trade in a cooperative association for the purpose of marketing farm products. We might just as well say that cooperative organizations for the purpose of selling them or selling any other kind of merchandise or produce is an association in restraint of trade. The farmers of this country have not asked for anything of the kind. They do not want it, and it ought to be stricken from the bill. Of course a farmer might, if he was so disposed, break the law in some other way than by entering into a trust or combination. If he does this, or violates the law in any respect, he should be treated the same as any other person. When we make laws we should enforce them and not create exemptions for certain classes. Nothing tends more to bring the law into disrepute than such exemptions.

Mr. BORLAND. Mr. Chairman, this item has been suggested by some Member on several occasions, and on each occasion when it was suggested the evidence has been taken with a great deal of thoroughness, and we have found that in all the principal points where the United States courts are being held there is a complete set of these United States reports and the Federal Reporter. But the plan is evidently to purchase from the private owners of the Federal Reporter system complete sets for a large number of places where we expected to start libraries of considerable magnitude. At one time a list of these places was inserted in the RECORD, where they expected to start these law libraries. The gentleman is here now asking for an appropriation of \$97,000. Two years ago they asked for \$77,000. Here are some of the places where they expect to put these law libraries that we are going to begin and keep up indefinitely: In Alaska—Nome, Council, Valdez, Eagle City, St. Michaels, Skagway. We are expected to start law libraries in those places. In Arizona—Globe, Phoenix, Prescott, Tombstone, Tucson. Why, we can not begin the founding of libraries in towns such as those. Before the gentleman from Iowa [Mr. SWEET] arrived here Congress had ample opportunity to appropriate for these libraries by purchasing from the West Publishing Co., and it has systematically declined to do so.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SWEET. Did the committee make any investigation in regard to the size of the towns that were asking for these libraries?

Mr. BORLAND. We have investigated several.

Mr. SWEET. Let me inform the gentleman that Waterloo, Iowa, is a city of between thirty-five and forty thousand people and Cedar Rapids has over 40,000 people.

Mr. BORLAND. We have investigated several cases, I will say, and I will tell the gentleman something more. The West Publishing Co. has followed the practice for many years of furnishing a free copy of the Reporter, each volume as they were issued, to the judge of the United States court. It does that in return, prima facie or ostensibly, for his service in revising his opinions that go into that Reporter, if there are any. That has been the system for some time. The system will not be changed. The only difference would be that we would pay for the copy that heretofore they have been furnishing free.

I have not the slightest doubt but that is going on at Waterloo, Iowa, because that has been the custom. There are a number of places where United States courts are authorized to be held where, in fact, they have not yet been held or where the terms of court are infrequent or very short, and it is not at all necessary that we should engage in the practice now of starting law libraries, which would be a continuous expense. As I say, this matter is not new. Congress has had ample opportunity every since the passage of the Judicial Code to take this question up, and each time it has decided that the number of law libraries now in existence is ample for the working forces of the United States. I ask that the amendment be rejected.

Mr. TOWNER. Mr. Chairman, I move to strike out the last word. Of course, there must have been some reason why the committee should not have acted within the express command of the statutes. It says that there shall be sets of the Federal Reporter and the United States Supreme Court Reports at the places where the district courts are held in the United States. I am very glad, indeed, to have the statement made by the gentleman, because it has been a matter of curiosity to me to know why the law has not been complied with. The gentleman talks about starting libraries in the United States. There is no endeavor on the part of the Department of Justice to start libraries, except that there shall be furnished to the judges and to the United States district attorneys in every place where court is held the decisions of the district, the circuit, and the Supreme Court of the United States. That is all, and that is all the law authorizes; nothing except these and the digests are to be furnished. Now, there are 235 volumes, I believe, now issued of the decisions of the district courts of the United States that are daily in use in the court room by the judge and the district attorney. There is now a practice and custom in cities as large as Cedar Rapids, Waterloo, and other cities of that character, if a judge desires to consult the decisions of his own court or the decisions of the court of the United States he is compelled to ask the privilege of some attorney to visit his private library and there make the necessary examination. Certainly no one who has ever practiced in a court of justice would desire that the judge of that court would be compelled to go to the private library of some attorney at that bar in order to consult the authorities before he can render a decision.

Mr. Chairman, I can conceive of no reason why we should not comply with the law in this regard. It certainly is a just and a fair law, fair not only to the people of the United States, fair not only to the judge, but fair also to the clients who are to appear before the court, who do not desire that their judges and district attorneys shall be compelled to go around the town to visit the private library of members of the bar in order to examine the authorities that they desire to use in the prosecution or in the determination of cases. Now, the Department of Justice recommends this and has recommended it for years. Now, it is suggested that we should at least commence by making this appropriation for the district court decisions in the district courts of the United States where they are needed. I presume there is not a member on the floor of this House representing any district where United States court is held but will not be interested in this provision of the law. It is a thing that we all ought to be interested in. It is not only in the interest of economy but I contend that it is in the interest of the fair administration of justice. I have heard the district court judges of our State complain of the fact that they were compelled to go to private libraries of attorneys in their towns where they were holding court in order to ascertain and look up decisions of the district courts and the Supreme Court of the United States. We might just as well refuse them a copy of the statutes as to refuse them copies of the decisions.

Mr. BORLAND. No; there is a very great difference between the publication of the statutes and the publication of these reports by a private publishing concern.

Mr. TOWNER. If that is the case, the gentleman could not justify the authorization of them in any court of the United

States. If they are not necessary in all the courts, they are not necessary in any.

Mr. BORLAND. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the District of Alaska, services rendered in behalf of the United States or otherwise, services in Alaska and Oklahoma in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, repair, and operation of horse-drawn passenger-carrying vehicles used in connection with the transaction of the official business of the office of United States marshal for the District of Columbia, \$1,580,000. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this act; but no disbursements shall be made prior to July 1, 1917, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year 1917, or prior years.

Mr. HELVERING. Mr. Chairman, I move to strike out the last word in order to ask unanimous consent to extend my remarks in the RECORD.

Mr. TREADWAY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the requests of the gentlemen. [After a pause.] The Chair hears none.

The Clerk read as follows:

For fees of clerks, \$215,000: *Provided*, That courts of the United States shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suit or suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety: *Provided further*, That for the calendar year 1917, and thereafter, the maximum personal compensation of clerks of United States district courts shall in no case exceed \$3,500 per annum, and that single fees only shall be charged by United States marshals and clerks of United States district courts against the United States and against private litigants in every judicial district.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph, and confess I was somewhat surprised at the item at the top of page 135, that is true, without raising the point of order on it. I desire to call attention—

Mr. BORLAND. Did I understand the gentleman to say page 135?

Mr. MANN. I reserved a point of order on the paragraph fixing the clerks' salaries not to exceed \$3,500, but I want to ask before proceeding to that in reference to the paragraph about the district attorney here in Washington. I did not desire to ask it when it came up. What is the expense of the district attorney's office now, if the gentleman knows?

Mr. BORLAND. The expense of the office now it \$28,940.

Mr. MANN. Of course, this reduces it to \$25,500, making a permanent law so the office can not grow.

Mr. BORLAND. I would call the attention of the gentleman to the fact that the sum carried in this paragraph did not include the district attorney's salary of \$6,000, which would make a little over \$33,000, or about \$2,500 more than the present law.

Mr. MANN. I had supposed this was intended to be a limitation upon the district attorney, but it proposes to increase the expenses of the district attorney's office.

Mr. BORLAND. It is a readjustment of the salaries of his office as I understand it. It does not affect his salary but the amounts allowed as salaries for his assistants.

Mr. MANN. I am afraid I have to lose faith in the Committee on Appropriations if they bring in an item in the form of a limitation which is intended to very largely increase the expenses; however, I am not discussing that. What is the reason for this item with reference to fixing the salaries or compensation of clerks in United States district courts in no case to exceed \$3,500 per annum? Would that cover the increased compensation that they are authorized to receive now for naturalization services?

Mr. BORLAND. No.

Mr. MANN. Why not?

Mr. BORLAND. This has reference to the double maximum. In certain western districts, at the time some of the western districts were established, the fees that were received in those districts were not sufficient to pay the ordinary salaries of the clerks, and the double maximum was established.

Mr. MANN. Seven thousand dollars?

Mr. BORLAND. Yes. Since then they have grown up to the double maximum, and now they are getting, in nearly all cases, the full \$7,000, and in addition the fees from the naturalization. So that in some cases they are getting more than the United States judge of the district.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The paragraph to which the gentleman from Illinois has just referred limits the compensation of the clerks of the United States district courts to \$4,500, and provides for single instead of double fees in certain States where double fees are now charged. These States are Idaho, Nevada, North Dakota, Wyoming, and California. I think the time has come, Mr. Chairman, when the people of those States should no longer be burdened with these double fees. While there will no doubt be some criticism of the action of the committee in this respect, I believe it will be welcomed by the people of these States generally, and I am very glad, indeed, that the item is in and passed, and no point of order made against it.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I am afraid I made a mistake in not making the point of order on this, in that I do not agree with what the gentleman from Wyoming said or the purpose of the committee. I quite agree with them that an action was agreed upon fixing the maximum personal compensation at \$3,500 a year. Thereafter we passed an act providing for additional personal compensation in naturalization cases. Some of these are district clerks, who, as a matter of fact, I think, get more than \$3,500. Maybe I am mistaken about that, but I was under that impression. Now, if we pass an act fixing the maximum personal compensation at \$3,500, that is the limit they can get in any kind of a case so far as their own compensation is concerned. I am not sure whether they get any personal compensation out of the naturalization fees.

Mr. MONDELL. My recollection is, Mr. Chairman, that they do not, although they have an allowance and the basis for the allowance is modified somewhat in another paragraph of this bill, an allowance for clerk hire and for other expenses only in connection with naturalization matters. There is no personal allowance.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cape Charles Light Vessel, Va.: For constructing and equipping a light vessel for station off Cape Charles, Va., or for general service, \$180,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Are all of these items under the Lighthouse Service provided for by law out of amounts named in the bill, or has there been any increase allowed, such as was asked for by the Department of Commerce?

Mr. FITZGERALD. All of the items of the bill are authorized by law and are within the limit of cost fixed by the law.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Inspectors, clerks, etc.: For salaries of 17 lighthouse inspectors, and of clerks and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the Bureau of Lighthouses, Washington, D. C., \$380,000.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20967, the sundry civil appropriation bill, and had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee, from the Committee on Appropriations, presented a conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, for printing under the rules.

AMENDMENTS TO SUNDRY CIVIL BILL.

Mr. HENRY. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The CHAIRMAN. The gentleman from Texas presents a privileged report (No. 1577) from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 538.

Resolved, That it shall be in order to consider as amendments to the bill H. R. 20967 entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes," the following matter, the general rules of the House to the contrary notwithstanding:

Under the Department of Justice, at the beginning of page 128, as a separate paragraph, the following:

"For the erection of shop buildings or factories and their appurtenances, \$82,500; for the purchase and installation of woodworking machinery and the installation of same in the shop buildings or fac-

ories, and for other necessary equipment preparatory to manufacturing furniture and woodenware, \$202,500; in all, \$285,000."

And on page 128, after line 10, as a new paragraph, the following:
"For the erection of shop buildings or factories and their appurtenances, \$129,500; for the purchase and installation of cotton textile machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing cotton textile goods, \$315,500; in all, \$445,000."

Mr. HENRY. Mr. Speaker, I do not care to add anything to what is set out in the resolution. It is very plain and explains itself.

Mr. LENROOT. Mr. Speaker, I am not going to object or vote against this rule, because of the very great importance of and merit in the questions involved; but I do want to call the attention of the House to the very great danger of legislation of this character, and that it should be permitted only in very exceptional cases. As a matter of fact, here is a provision calling for the expenditure of more than half a million dollars, and after this work is all done and this money is expended, unless Congress shall afterwards legislate upon this subject, the money will be absolutely thrown away, because under existing legislation none of these factories can be utilized; and, ordinarily speaking, at least, Congress ought not to appropriate the money in advance of a law authorizing the use of the thing for which the money is appropriated.

Now, the only defense that can be made of this is that, presumably, at the next session of Congress legislation will be passed for the use of these improvements, and because it is so meritorious I am willing in this case to assume that such legislation will be enacted. But it is something that ought to be considered very carefully indeed.

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. BENNET].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. BENNET. Mr. Speaker, any man that votes for this rule is hereafter foreclosed from voting against any rule on any ground.

There is a statute on the statute books—passed, I think, in 1891—which provides that convicts in Federal prisons can not do any work which requires the utilization of machinery. Now it is proposed by this rule to make in order an appropriation to restore machinery in certain buildings—the buildings not yet being erected, the machinery to be purchased—in the hope that some far-distant Congress will repeal the statute.

Now, any man that votes for this rule and hereafter criticizes any rule that comes out of the Committee on Rules is inconsistent. I am not going to talk about the merits of the proposition, as to which there may be a diversion of opinion; but this method of legislation goes beyond anything that has been attempted in this Congress. It is indulging not only in the illusions of hope, but in the delusions of hope, and therefore I shall vote against the rule.

Mr. MANN. Mr. Speaker, will the gentleman yield me five minutes?

Mr. HENRY. I yield to the gentleman from Illinois five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I am not going to shift all the responsibility on the gentleman from Kentucky [Mr. SHERLEY], who introduced the rule and who has taken an active interest in this matter.

Last year Congress had before it a proposition in reference to the utilization of prisoners in the United States penitentiaries. As a result of agitation and consultation in the House a provision was passed, appointing a commission consisting of one from the Department of Justice, I believe, one from the War Department, and one from the Post Office Department, and I think some other department was represented, to make a report to Congress as to how this prison labor could be utilized in some way so that the prisoners would not be kept idle. My impression is that Gen. Crozier was the chairman of that commission. He is a man who knows a good deal about manufacturing. The Post Office Department had an able man on the commission. They employed some gentleman of standing to aid them, and made quite an elaborate report, recommending the things that are in this rule, and further recommending the legislation as to how the Government should make its purchases, and so forth, and so on.

The gentleman from Kentucky introduced a bill, a bill which had been prepared by the commission. That was referred to the Committee on the Judiciary. I said to the gentleman from Kentucky that I did not think we ought to be asked at this late day in the session of Congress to enact legislation on this subject, defining the policy of the Government in its details, but I

thought it would be eminently proper for us to provide the appropriation suggested by the commission, leaving the details of the legislation to be attended to hereafter. I said that to the gentleman from Kentucky, or he said it to me; I am not sure which of us said it first. But it does not make any difference; we both agreed to the proposition. So that while the gentleman from New York [Mr. BENNET]—who, by the way, will not be in the next Congress—twits me about it, and says no man can hereafter excuse himself for voting against any rule if he should vote for this rule, he is not posted upon the subject. This is an effort to find some method of giving men sentenced to prison something to do, so that they will not go insane. I am in favor of giving them something to do.

Now, having said that much, I must have a little joke. You have to have a little laugh every day, you know. The gentleman from Kentucky [Mr. SHERLEY]—this is a very infinitesimal matter, to be sure—is certainly one of the most careful legislators and most careful men whom I have ever met, and the Committee on Rules is composed of fairly careful men. Yet the gentleman from Kentucky prepared and the Committee on Rules has reported a rule to add amendments "to the bill entitled 'An act,' and so forth. That is all right. [Laughter.]

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20967) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20967) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, at the beginning of page 128, as a separate paragraph the following:

"For the erection of shop buildings or factories and their appurtenances, \$82,500; for the purchase and installation of woodworking machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing furniture and woodenware, \$202,500; in all, \$285,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, on page 128, after line 10, as a new paragraph, the following:
"For the erection of shop buildings or factories and their appurtenances, \$129,500; for the purchase and installation of cotton textile machinery and the installation of same in the shop buildings or factories, and for other necessary equipment preparatory to manufacturing cotton textile goods, \$315,500; in all, \$445,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SNYDER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARLAND. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to print in the RECORD a telegram.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. McFADDEN. Mr. Chairman, I make the same request.

Mr. EDMONDS. And I, Mr. Chairman, make the same request.

The CHAIRMAN. Is there objection to these several requests of the gentleman from Iowa [Mr. HULL] and the gentleman from Pennsylvania [Mr. McFADDEN] and the gentleman from Pennsylvania [Mr. EDMONDS]?

There was no objection.

The Clerk read as follows:

For continuing researches in physical hydrography, relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, and payment of \$1 per day for mess purposes to each vessel of the Lighthouse Service during such period as current observations are made by such vessel, \$14,000.

Mr. MANN. I reserve a point of order on the paragraph. What does this payment of a dollar a day for mess purposes to vessels of the Lighthouse Service mean? What is the Lighthouse Service doing, furnishing vessels for the Coast and Geodetic Survey?

Mr. FITZGERALD. The Coast and Geodetic Survey desires to extend the number of current observations which are taken. The statement is made that the employees of the Lighthouse Service would very gladly perform the required service if there were some little inducement given, and it is proposed that each vessel be allowed \$1 a day for mess purposes in return for the service rendered in taking observations. It is believed that the work is very important, and for a very small expenditure in that way a great many extra observations could be taken without the necessity of employing additional persons.

Mr. MANN. Do I understand the gentleman to say that the men on the light vessels will not do certain work which the Government tells them to do, and which ought to be done by them?

Mr. FITZGERALD. It is not a part of their duties as light keepers—

Mr. MANN. It would be, if the Secretary of Commerce should issue an order.

Mr. FITZGERALD. The departments believe that they are not very highly paid, and this little inducement would result in the work being done in a satisfactory manner.

Mr. MANN. If the work ought to be done by the men on the light vessels, and they have time to do it, all that is required to get it done is an order from the Secretary of Commerce, who has jurisdiction over both of these services.

Mr. MONDELL. The gentleman knows that this work is done by the men on the light vessels when they are off duty.

Mr. MANN. I do not know anything of the kind. They are not off duty at all.

Mr. MONDELL. Such is the fact. The gentleman did not know it before, but he knows it now, because I inform him.

Mr. MANN. No; I do not know it now. The gentleman is mistaken.

Mr. MONDELL. I did not want to seem to know more about this than the gentleman from Illinois. Therefore I put in the way I did.

Mr. MANN. The gentleman always seems to know more than other people, and very often does know more than I do. I make the point of order, on the language at the top of page 150, after the word "States," in line 1, down to and including the word "vessel," in line 4.

Mr. MONDELL. Before the gentleman makes the point of order will he allow me to read a brief paragraph from the statement that was made in the hearing with reference to this?

Mr. MANN. I reserve the point of order, always.

Mr. MONDELL. This is the statement of Superintendent Jones:

We are trying to make current observations over a period of years which will enable us to prepare a current table similar to a tide table. The best way and the cheapest way would be to ask these lightships, for example, on the Pacific coast, five of them, to make these observations half hourly 24 hours in the day. Now, those men who do this work (when they are off regular duty) have to have additional meals. We are asking under this appropriation to be permitted to pay them \$1 per diem when they are actually engaged in making these half-hourly observations. If we sent one of our own vessels there it would cost \$150 to \$300 a day, so we can not do that. If the lightships make these observations and turn them over to us, based on the results of what they give us, we can compile this current table which will be of great value to the mariner in showing him the variations and the velocity of currents in these localities.

Mr. MANN. Mr. Chairman, I never heard anything more ridiculous than that. One would think we did not feed the

men on the light vessels and that they would have to get extra meals if they performed some slight extra duty in the 24 hours. These men are on duty in a way all the while when they are on the ship. They may not be on active service all the time, but they are like sailors at sea, they are on duty all the time; and most of the time they have nothing to do. Now, the gentleman says that when they are not doing something else—and it does not say "off duty" there—

Mr. MONDELL. Oh, yes.

Mr. MANN. Oh, well, look at it again. When they are not doing something else, if they do this the gentleman says they will require more meals; hence they must be paid a dollar a day extra mess.

Mr. MONDELL. This says:

Now, those men who do this work when they are off regular duty—

Mr. MANN. That is it—off the regular duties that they have, but they are not off duty.

Mr. MONDELL. The gentleman is aware, however—

Mr. MANN. I am aware. I have been on lightships. The gentleman never saw one. They do not have them out in Wyoming. I am familiar with the work on the lightships, notwithstanding the greater knowledge of the gentleman.

Mr. MONDELL. I do not recall having seen many lightships.

Mr. MANN. I have seen a good many of them, and have been on them.

Mr. MONDELL. The gentleman knows that we give extra-duty pay for a great many of the Government services, particularly in the military service. This is in the nature of extra-duty pay, and very reasonable extra-duty pay, and an economy.

Mr. MANN. I should think that the one thing a man on a lightship would want would be something to do. The hardest thing they have to do is to kill time. If a storm comes along, they are busy.

Mr. MONDELL. I suppose a dollar's worth of food for five or six men would help kill considerably more time.

Mr. MANN. Perhaps this ought to be done. I do not know. But the Department of Commerce has been trying to raise the commutation for food—the allowance. This is an indirect way of doing it, and that is the reason it is being urged. Perhaps it ought to be done for all of them. Certainly something ought to be done, probably; but since we are likely to give them all an increase of 10 per cent in their compensation, I think probably they will enjoy that more than they would this extra food, when they have all the food they can eat now.

Mr. MONDELL. I thought the gentleman was in favor of economy. This is an economy.

Mr. MANN. This is one of those economical streaks that the gentleman from Wyoming has, which is always pretty expensive to the Treasury.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GALLAGHER, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested.

S. 8316. An act granting a pension to Edith Blankart Funston, widow of the late Maj. Gen. Frederick Funston; and

S. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experimental station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry land agricultural experimental purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 20414. An act for the establishment of a probation system in the United States courts except in the District of Columbia.

The message also announced that the Senate had passed with amendments the bill (H. R. 5788) entitled "An act to create two additional associate justices of the Supreme Court of the District of Columbia, in which the concurrence of the House of Representatives was requested."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, and further insisted upon its amendments numbered 12, 17, and 20, still in disagreement, and asked a further conference with the House of Representatives, and had appointed Mr. JOHNSON of Maine,

Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Salaries: Superintendent, \$6,000; hydrographic and geodetic engineers, junior hydrographic and geodetic engineers, and aids, to be employed in the field or office, as the superintendent may direct, one of whom may be designated by the Secretary of Commerce to act as assistant superintendent: *Provided*, That officers now designated assistants shall be transferred to the positions of hydrographic and geodetic engineers, or junior hydrographic and geodetic engineers, herein submitted in lieu of assistants: Hydrographic and geodetic engineers—2 at \$4,000 each, 1 at \$3,200, 5 at \$3,000 each, 1 at \$2,800, 5 at \$2,500 each, 12 at \$2,400 each, 9 at \$2,200 each, 12 at \$2,000 each; junior hydrographic and geodetic engineers—16 at \$1,800 each, 11 at \$1,600 each, 9 at \$1,400 each, 12 at \$1,200 each; aids—10 at \$1,100 each, 19 at \$1,000 each; in all, \$223,500.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I assume that this is an indirect way of increasing salaries, and it may be all right. What advantage is there in calling a man "junior hydrographic and geodetic engineer" instead of an assistant hydrographic engineer?

Mr. FITZGERALD. He is called an assistant hydrographic engineer; that is, he was called an assistant. When the Coast and Geodetic Survey was established they had a superintendent and one assistant, supposed to be an assistant superintendent, and from time to time as the survey grew, additional assistants have been allowed. It has been pointed out that these men are very highly qualified hydrographic and geodetic engineers. They have some pride and feeling about their profession and title, and we were requested to provide that instead of being known simply as an "assistant" they should be known as "geodetic and hydrographic engineers."

Mr. MANN. It is a slight change in the name.

Mr. FITZGERALD. A change in the name.

Mr. MANN. Costing the Government about \$40,000 or a little less a year.

Mr. FITZGERALD. No; we have increased the force some, and there are some new vessels put into the service.

Mr. MANN. Having given a new title to certain men you can not expect them to any longer perform the cheaper service, and you have to provide additional men to do that work.

Mr. FITZGERALD. No; we have some new vessels in commission. The *Surveyor*, a very large vessel, goes into commission. There are 20 additional places, 1 at \$2,800, 4 at \$2,400, 4 at \$2,000, 7 at \$1,800, 2 at \$1,600, and 2 at \$1,200. The additional places aggregate \$38,600. There are no increases in the compensation. They were additional places required because of the necessities of the service.

Mr. MANN. Well, we have a very active young man as Superintendent of the Coast and Geodetic Survey, and I am not going to say anything to his detriment. He is a very active man and a very good man, but I suspect that his activity has led him along the line where for the sake of euphony we will have to pay an extra sum, together with the change of name, as in this case an increase of \$40,000 in the appropriation.

Mr. FITZGERALD. The increase is not because of the change of name. The estimate calls for additional places.

Mr. MANN. Oh, it is hidden, so that it would take a Philadelphia lawyer to make it out, but I have.

Mr. FITZGERALD. We do everything we can to convey information to the House, and although we can lead the horse to water, we can not make him drink.

Mr. MANN. I am not requiring the gentleman to make me drink.

Mr. FITZGERALD. No.

Mr. MANN. I had a notion that I would insist on the point of order, but I would like to hear what the gentleman from Wyoming has to say.

Mr. MONDELL. I can say that the only proper criticism of this item is that it is too small; it should be larger.

Mr. MANN. The gentleman evidently wants me to make a point of order.

Mr. MONDELL. I do not want gentlemen to make the point of order, because all through the bill the committee kept down needed increases wherever it was possible to do so without really doing substantial injury to the public service. In this case they asked for 48 new engineers. I am inclined to think that if we were not spending a good deal of money in other ways and able to extend the service as it ought to be extended, we should have granted about 40 out of the 48 that were asked for. Instead of that we gave them 20 new people. These are for the new vessels, the *Surveyor*, the *Isis*, the *Matchless*, and the *Yukon*. In addition to that, some of the men are to be used on the interior triangulation and leveling work of the department.

It is true that there is a very active young man in charge of the bureau, and I think it is a very excellent thing that there is, because, while the bureau has always been a very valuable and useful scientific bureau, for a long time it was in a way of suffering a little of what approached a condition of dry-rot, but the fresh blood did it good.

The bureau has in it a considerable number of very splendid men—scientists—men who are the best qualified for the service in which they are engaged that can be found anywhere. For one thing we should increase their pay, but we did not do that. We should give them more people for work that is essential and necessary.

Now, after considering all these matters—the necessity of providing for new ships, we must man them, we must put new officers on them. That takes about 16, as I recall, out of the 20 new men. They must be provided for if the vessels are fully equipped.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. Has not the Secretary of Commerce for a number of years been complaining and reproaching and roasting Congress because they did not have vessels enough to use the force they then had?

Mr. MONDELL. That, and more particularly that some of the vessels he had were partly held together by a rather indifferent coat of paint. I think that was the expression. We have to a certain degree provided for that unfortunate condition and remedied it.

Mr. MANN. And now when we get a vessel we find that we have not men enough to man it.

Mr. MONDELL. That seems to be the condition of affairs.

Mr. MANN. And before we did not have vessels enough to keep the men busy.

Mr. MONDELL. If you get a larger vessel, capable of doing a great deal more work, it necessarily requires more men to man it, and we have limited the number of the increase, in my opinion, to the very minimum. If the gentleman had not made the statement he did, it was my intention when I reached this item to discuss it a little for the purpose of calling attention to the rather excess of economy exercised by the committee in a number of items, this among them. There is not a man provided for here who is not needed, who should not be had, in order to carry on the necessary work of the survey, not only on the sea but on the land, because this service is doing as splendid a work upon the land as it is doing on the sea in carrying out a system of primary triangulations over the country which are exceedingly important, for all maps must be based eventually upon those primary triangulations, carrying out the only system we have in the country of precise leveling, and this work is exceedingly important work. We are not providing for that work in the way we ought to provide for it. We are providing for it in a measure to a limited extent. We are providing 20 men in this case, where about 40 are needed and 48 were asked for.

Mr. MANN. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] says that the committee did not appropriate enough money for the Coast and Geodetic Survey. We are at a time when we have to be somewhat economical in these things, when we can do without, and while doubtless the gentleman from Wyoming is extremely anxious to have primary triangulation for breakfast every morning, still I think he would be equally fat at the end of the year if he would do without it. At this time, when there ought to be economy, what has the committee done? It has increased one item from \$90,000 to \$115,000; another item from \$225,000 to \$250,000; another item from \$11,720 to \$14,000; another item from \$80,000 to \$90,000; another item from \$425,320 to \$487,600, though that may be called a duplication; another item from \$285,000 to \$320,000; another item from \$184,900 to \$223,500. These are not normal increases. These are not increases along the average that has been made for years. These are abnormal increases made at a time when we ought to be economical, made, possibly, because the gentleman from Wyoming has a fancy for primary triangulation; but, after all, the people who pay the taxes can do without primary triangulation and let the coast and geodetic work go along not quite so rapidly. They will not finish their work in 100 years, and it is not absolutely necessary that a large appropriation, more than ordinary, should be made this year. However, overborne as I am, I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, this paragraph contains provision for 20 additional employees; 11 of them are to be placed on a boat which has never been in commission, a new boat, the *Surveyor*; 4 of them are to be placed on the *Isis*, a new boat which has never had its full complement of officers; 3 of them are to be placed on the *Yukon*, which is out of commission.

because there are no officers to man it; and 2 on the *Matchless*, which is also short of officers. Unless the House would wish to tie these vessels up, this increase must be made, and there are no abnormal increases. The only increases in this bill in connection with this service are the increases necessary to carry on the work which the House has hitherto directed should be done.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by inserting therein a letter which came to me to-day upon the subject of an embargo.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to is as follows:

BOSTON, February 24, 1917.

HON. JOHN JACOB ROGERS, M. C.,
Washington, D. C.

MY DEAR SIR: At a large and enthusiastic meeting of the Methuen Republican Club the following letter to you was read and adopted. We expect that you will do something to aid in solving the difficulty. It was also voted to publish the letter:

"To-day we of America are confronted with the unprecedented spectacle of a nation at peace with all mankind, except perhaps itself; its industries humming with the constant and steady activity of its machinery; all its people employed, with returns for their labor at a figure never before attained; in short, with all the desired elements of an unexampled prosperity everywhere, yet bread riots spreading like a prairie fire over the land.

"It is not for us to assign the causes, economic or artificial, of the unwarranted jumping from day to day of the cost of mere subsistence. Many have been suggested as underlying the present abnormal and seemingly unnecessary conditions. These alleged causes vary from the criminal greed which corners the supply of the necessities of life and holds them in storage until the last penny is squeezed from the suffering public while men, women, and children starve in the endeavor to meet the demand; the draining of our sustenance to keep fighting men in the pink of condition across the water, a failure of crops, the inflation of the supply of gold in this country to others less frequently urged. We do know, however, that while we have been told repeatedly that never has the Nation been as prosperous, we actually find that the purchasing power of each dollar earned is rapidly diminishing to a vanishing point, and we fear that our vaunted prosperity is but a hollow sham, except as it may prove a prosperity whose benefits are accruing in the coffers of those who do not need it. We learn to-day from the public print that authoritative sources have denied that there exists any shortage in food supplies and that there is plenty for all. We also learn that at Washington there is amazement at the sudden expressions of protest against the prevailing soaring of prices of food supplies to the prohibitory point, and an immediate request for the appropriation of money for investigation as to the reasons for such a condition. We solemnly protest that the time for investigation has long ago passed; that now is the time for action; that the condition which confronts us has faced us these many months, only becoming increasingly difficult to struggle against as the days and weeks and months went by, and that our Government should have been alive to the situation, preparing itself to apply the relief which it alone is equipped to give, or should be, in the absence of negligence of duty. We give way to no one in our devotion to our country and in our readiness to stand behind our properly constituted authorities in the upholding of American rights throughout the world, but we venture the suggestion that governmental activities are not alone confined to those of dealing with foreign relations and that there may be times when a greater and more serious harm to our Nation may result when consideration of international relations obscure the minds of our officials to the exclusion of these things which press closely upon the well-being of our people.

"Our Government should not have its head so far up in the visionary clouds of idealisms and control of world politics as to be unable to discern what is going on at its feet and realize it only when the flames of riot and destruction as the only method of protest left mount sufficiently high to penetrate the haze in which it exists. We also give way to no community in our sympathy for and our willingness to succor our afflicted brethren across the water in their terrible misfortunes, but we are sufficiently selfishly patriotic to have some belief in "America for Americans first" and suggest that if our beloved country is to have the devotion of all its people unselfishly ready to make the "grand sacrifice" its existence deserves, our governing body must be alive to those problems in its internal life, the happy solution of which will make for national unity, a real genuine undying Americanism. We offer no specific remedy for relief from the conditions under which our people are struggling for existence. We simply demand that our Government become alive to what is going on all around us and apply the proper remedy whether that remedy be the taking over of food supply, the control of food prices, an embargo, a taking over of the methods of transportation, or such other method which will bring relief to the prevailing conditions and prevent a more widespread protest by unrestrained violence, to our lasting shame and disgrace as a Nation. We do emphatically say that the conditions warrant drastic action on the part of our Government, and we add further the demand that if it shall be found that any man or set of men have made the present suffering possible through manipulation of the necessities of life, 'let no guilty man escape.'"

Yours, truly,

FREDERICK W. GAY.

The Clerk read as follows:

Topographic and hydrographic draftsmen: Two at \$2,400 each, 3 at \$2,200 each, 3 at \$2,000 each, 3 at \$1,800 each, 3 at \$1,600 each, 3 at \$1,400 each, 3 at \$1,200 each, 2 at \$1,000 each, copyist draftsman, \$1,000.

Mr. KITCHIN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 152, in lines 17 and 18, strike out the words "copyist draftsman, \$1,000" and insert in lieu thereof the words "two copyist draftsmen at \$1,000 each."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. MANN. I reserve the point of order on the amendment.

Mr. KITCHIN. I will say to the gentleman that there are now two copyist draftsmen, but this bill provides for only one.

Mr. MANN. I withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I do not clearly understand that amendment. Does the gentleman provide for two copyist draftsmen instead of one?

Mr. KITCHIN. Yes. There are two copyist draftsmen now in the office, and the bill provides for only one.

Mr. MANN. There is no change from the existing current law.

Mr. MONDELL. The gentleman from Illinois is charging us with extravagance, and we can not accept a thousand-dollar increase without inquiry.

Mr. FITZGERALD. The fact is this: There are three copyist draftsmen, one at \$1,000 a year, and two, further on in the bill, at \$900 a year.

Mr. KITCHIN. Two clerks.

Mr. FITZGERALD. The purpose of the gentleman from North Carolina is to transfer one of those persons, who is receiving \$900 in another portion of the bill, to this portion of the bill at \$1,000.

Mr. MANN. Where is the other employed?

Mr. KITCHIN. On page 153, line 10. When we reach that I shall move to strike out the word "two" and substitute "one."

Mr. MANN. Do they, as a matter of fact, violate the law over there and under that item employ copyist draftsmen?

Mr. KITCHIN. I do not know, but I will tell you the facts. In this room where the copyist draftsmen are there are two girls. One is called a copyist draftsman and the other, I understand, is called a chart corrector, but both are doing identically the same work and, I understand, they carry one of the girls at a thousand dollars as a copyist draftsman and one is carried as a clerk, in line 11, page 153, where there are two at \$900 each.

Mr. MANN. Those are not clerks.

Mr. KITCHIN. Yes.

Mr. MANN. No.

Mr. KITCHIN. Under the paragraph beginning on page 153, beginning with line 7—

Mr. MANN. But those are not clerks. They are printers, electrotypers, photographers, lithographers, plate printers and their helpers, engineer, and other skilled laborers. What I wanted to know is whether the gentleman is sure he has got the right one.

Mr. KITCHIN. I know.

Mr. MANN. I want to know that the person he thinks ought to be helped will get the increase?

Mr. KITCHIN. Yes; I know that, and I will see to that.

Mr. FITZGERALD. The gentleman from North Carolina called my attention to the matter—

Mr. MANN. It is very seldom the gentleman from North Carolina ever asks for anything.

Mr. FITZGERALD (continuing). And I intended to call the attention of the committee to it, but through the very great pressure of business it escaped my mind and I left the gentleman from North Carolina somewhat in the lurch.

Mr. MANN. I am not sure but the person the gentleman from North Carolina wants to take care of may find herself out of a job.

Mr. KITCHIN. No.

Mr. MANN. Because she is not a copyist draftsman. If she is now employed as a printer or as an electrotypist, or photographer, or lithographer, or a plate printer, or a helper, or an engineer, or a skilled laborer, and you cut that out—

Mr. FITZGERALD. I am sure—

Mr. MANN. It is evident they are violating the law.

Mr. FITZGERALD. If the gentleman from North Carolina does anything here that will deprive any person now in the Government service of her place, I am sure he will make it good himself out of his private resources. [Laughter.]

Mr. KITCHIN. I will make it good. [Laughter.] I will say to the gentleman from Illinois if my amendment goes in providing two copyist draftsmen at \$1,000, I will see that she gets that extra \$100.

Mr. MANN. I dare say the gentleman from North Carolina, the Democratic floor leader, has not got a single person in the Government appointed as a favor to him.

Mr. KITCHIN. That is true.

Mr. MANN. I do not know whether he will have influence enough to get under this appropriation—

Mr. KITCHIN. I would doubt my influence in this matter myself if I had not already seen to it beforehand. [Laughter.]

Mr. FITZGERALD. He has taken the advice given me the other day by the gentleman from Illinois, by making his arrangements in advance of the appropriation.

Mr. KITCHIN. I will say this—

Mr. MONDELL. There is no doubt but what they need more copyist draftsmen in this office. We did not give them as much help as they asked for and such as they need, and I am very glad indeed to vote for the amendment offered by the gentleman from North Carolina.

Mr. KITCHIN. I want to say that I acknowledge my thanks and gratitude to the committee for granting this advance of \$100. It is the first under this administration, and really, gentlemen, the first under the last three administrations that I have gotten. [Laughter.]

Mr. FITZGERALD. We are aiding the gentleman in putting a blot on his hitherto unblemished record. [Laughter.]

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Printers, electrotypers, photographers, lithographers, plate printers and their helpers, engineer, and other skilled laborers: 1 \$2,000, 1 \$1,800, 1 \$1,700, 1 \$1,600, 1 \$1,400, 8 at \$1,200 each, 2 at \$1,000 each, 2 at \$900 each, 5 at \$700 each.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 153, lines 10 and 11, strike out "2 at \$900 each," and insert "1 \$900."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In all, pay of office force, \$220,670.

Mr. FITZGERALD. I desire to offer the following amendment to correct the total.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 153, line 15, strike out "\$223,670" and insert in lieu thereof "\$223,770."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Appropriations herein made for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the superintendent), except as now provided by law.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Before leaving the Coast and Geodetic Survey I want to say just a word in regard to the increases that have been made for that service. The gentleman from Illinois, as it is his duty as leader of the minority, has pointed out and called attention to the fact that we have made considerable increases in some of these items. Those were for a service whose work is increasing and whose responsibilities are increasing. It is a service that has been neglected in the past. It is a service that in the last few years has been improved. The Coast and Geodetic Survey is doing splendid work and, as I said a moment ago, not only on the sea but on the land. Of course the major part of its work is on the sea, mapping the coasts, making soundings and surveys, and we could appropriate very much more than we do for this service, particularly for the work of mapping the coasts, the work of soundings, the work of removing obstacles to navigation—

Mr. TILSON. Will the gentleman yield?

Mr. MONDELL. In just a moment—and we are moving with the work less rapidly than it should be carried on in the interests of our great commerce.

Mr. TILSON. I wish to ask the gentleman in regard to soundings. How far they are advancing in the new method of soundings, not alone by a plummet, which misses a great many obstacles, but by the wire-drag method?

Mr. MONDELL. They are carrying on the wire-drag work as rapidly as we appropriate for it. My own notion is that we are not appropriating for it as rapidly as we should when one considers its importance and when you recall the fact that even in the harbor of Boston they discover pinnacle rocks hitherto unknown on which at any time a vessel may be wrecked and millions of dollars and many lives lost.

Mr. TILSON. Owing to the geological formation and the sharp and jagged rocks along the Atlantic coast, a number of such obstructions to navigation have been found in waters that have heretofore been considered thoroughly sounded.

Mr. MONDELL. Now, the schooners that navigate the coast I represent here do not benefit by this appropriation. [Laughter.]

Mr. GARDNER. Do they sail over the bar? [Laughter.]

Mr. MONDELL. Sometimes. They do not profit by this work; but it is an exceedingly valuable work. It is an exceed-

ingly important work on our west coast. We have allowed an almost disgraceful condition to exist with regard to the Alaskan coast. It is a coast where there are many pinnacle rocks. And this is a fact which is not a credit to us, that all along that coast are pinnacle rocks which bear the names of the vessels that have discovered them by striking them and going down with their cargoes, and sometimes with their human freight.

Mr. HICKS. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. HICKS. I wish to commend the gentleman, coming from the rock-bound State that he represents, for advocating this very necessary provision.

In regard to this sweeping which he mentioned a moment ago, I wonder if he knows that on the Atlantic coast the coast has been swept in only one or two places—for instance, around Nantucket and down on the North Carolina coast, and that practically all the eastern coast is unswept? And to bear that thing out a little bit further, in this pinnacle-rock matter they discovered a year or two ago near Hell Gate a great rock that was only 18 feet below the surface of the water, where great commerce on the eastern coast had been passing for years.

Mr. MONDELL. That is true. We ought in the interest of commerce and the protection of our people carry on this work more rapidly than we are carrying it on. We should have provided in this bill more than we did for the launches and vessels needed for this very class of work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. The bureau asked for some additional vessels needed for this kind of work that would be useful and valuable in case of war, and we should have provided for them, I think—and I am not criticizing the committee—as a part of the program for preparedness as well as because the boats are needed in this work. We should continue this work of sweeping our coasts that bear the pinnacle rocks until there shall no longer be danger along the sea lanes and in those regions where our commerce sails in danger of striking rocks where the charts indicate that there is an abundant depth of water.

Now, that is one of the items in the bill that, in my opinion, we should have increased more than we did. There are a number of others. There is in the office over here information valuable to navigators, some of which has been in the office for 18 years and has not yet been placed on a chart because they have not had office force enough. We increased somewhat that office force, but not enough, in my opinion, to bring that work up as rapidly as it should be done. When the gentleman from Illinois, or any other gentleman with an economical turn, views these items of increase with alarm, I want to say to them that the increases granted here, every one of them, were essential, and, as a matter of fact, we could well have granted increases along many lines where no increases were granted, and we could have still further increased the items that were somewhat increased.

Mr. WICKERSHAM. Mr. Chairman, before the matter of the appropriations for the Coast and Geodetic Survey is passed, I want to say something in the way of appreciation of the good work done by that bureau in Alaska. The coast line of Alaska is twice greater than the Atlantic coast line, the Gulf coast line, and the Pacific coast line of the United States added together. That might not be important if it were not for the fact that the naval coal fields of Alaska and our \$35,000,000 Government railroad lie along these uncharted Alaskan shores. These great natural resources, so important to our national development and defense, are dangerous to approach even in times of peace. The waterway to them is not surveyed and is unsafe.

Mr. STAFFORD. When the gentleman makes that statement, I presume he includes not only the Pacific coast line of Alaska, but the Arctic coast line?

Mr. WICKERSHAM. Undoubtedly I do. But the coast line of the islands of Alaska adds, of course, very much to the total mileage of the coast line of our Territory. Alaska has more than 25,000 miles of coast line, and the Coast and Geodetic survey, if it shall continue to survey as rapidly as it has been authorized in the last few years, will be working on the uncompleted job a hundred years from now, upon the uncharted and unknown waters of our Alaskan shores. The waterways to our great Government railway are uncharted, unsurveyed, and may be filled with dangers. The harbors are deep, but these sharp pinnacle rocks exist there, and, as has been said, they are only known when some vessel strikes them, often with loss of life, and thereafter they are known by the name of the vessel which located them by wreck. The lighthouse tender *Armeria* was

lost on one of the Alaska pinnacles in May, 1912, while the revenue cutter *Tahoma* was also totally wrecked and lost on another uncharted rock, 80 miles offshore, in September, 1914. A large number of privately owned vessels have been wrecked on similar reefs and rocks along the uncharted shores of Alaska in the last few years. If Congress would appropriate as much money as we have actually lost by the sinking of Government vessels the work would be carried on much better and much more advantageously, and the loss and danger in those waters would be lessened as the surveys proceed.

This bureau has done excellent work with small appropriations in Alaska and our people appreciate it, and we beg that Congress will give them more assistance instead of less. The appropriations are not nearly what they ought to be. I would be glad to see them doubled. Of course, I know it can not be done at this time, but the increases in appropriations for the work should be frequent and more freely given.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes; of course.

Mr. TILSON. Does the gentleman know whether or not they are doing anything by the sweeping method in Alaska?

Mr. WICKERSHAM. They are; just as fast as they can get money to do it. But at the rate at which they have done that work heretofore it would take 100 years to finish it, unless the appropriations are increased.

The gentleman from Illinois [Mr. MANN] spoke of the necessity for economy in this appropriation because of the necessity for greater preparedness, but let me suggest that nothing could add more to effective preparedness on the Pacific Northwest coast than to give surveyed water lanes to the approaches to our coal mines and Government railroads that transport naval coal to the coast. It is a necessary part of the preparedness system on the Pacific coast, and we ought to adopt it. The appropriations given to this bureau ought to be much larger than they now are, because its work adds to the safety of our naval and mercantile vessels on that coast.

Mr. STAFFORD. What part of the coast line is the Coast and Geodetic Survey now surveying by the sweeping process?

Mr. WICKERSHAM. In southeastern Alaska. There they have surveyed but a small portion of the water lanes, and it will take many years of surveying at the present rate before the channels used by our vessels are safe. The Coast and Geodetic Survey has done excellent and highly valuable work along Alaskan coasts. These waters will be especially important in case of any foreign war with any Asiatic power, and without this bureau is given appropriation sufficient, the hidden dangers in Alaskan waters would offer far greater danger than an enemy's submarines. The people of Alaska are exceedingly friendly to this bureau and are anxious to have it given sufficient appropriations to do its very useful work as rapidly as the occasion demands.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. GARDNER. Mr. Chairman, many of my friends tell me that they strongly advocate the arming of our merchantmen and, if necessary, their convoy by warships in order to protect our rights on the high seas. These same gentlemen just as strongly urge me not to consent to any step which can lead to war. They might just as well instruct me to go in swimming without letting myself get wet. It is absolute folly to deny that we are in danger of war if we protect our rights upon the high seas.

I could not help feeling as I heard the President speak yesterday that even now he is undecided as to our course.

Whatever history may say of the attitude of the United States during this European war, whatever it may say about Woodrow Wilson, it is quite certain that every historian of the future will absolutely acquit him of any charge of acting with unseemly haste in carrying out his strict-accountability warning.

A resolution has been offered for consideration under which it is proposed that the President shall be "authorized" to arm our merchant ships and to take such other steps as to him seem best to protect the rights of Americans on the high seas. When this resolution is considered in the House I shall move to change the word "authorize" to the word "direct." [Applause.] That is to say, I shall offer an amendment "directing" the President to arm merchant ships in place of the clause in the resolution which merely "authorizes" him to do so.

The paragraph in the proposed resolution which authorizes the President to use such other means as he sees fit to protect Americans on the high seas has been criticized for its indefiniteness and has been called a blanket clause. Personally I should like to see this clause made more definite and stronger. I should like Congress to "instruct" the President to use our warships to guard our merchantmen, and yet I realize the danger of

endeavoring to be too precise. I shall, therefore, vote against striking out this blanket clause, so called, for the following reason: If Congress strikes out the blanket clause and restricts its instructions to the President solely to the matter of arming merchant vessels, the world and the President himself may very well believe that Congress is unwilling to go further.

Gentlemen must not try to becloud the question by pretending that Congress can retain control of the whole situation by forcing the President to call an extra session. I hope and expect that by slow action on the appropriation bills we can force the President to call an extra session of Congress, but in my opinion that alone will not meet the necessities of the case. Everyone knows that there is plenty of money in the Treasury to run the Government until July 1. Such being the case, it will be perfectly possible for President Wilson to refuse to call Congress together until June 1, even if we hold up the supply bills. What is the sense of pretending to ourselves that we shall be able to control the situation after March 4? From March 4 until Congress reassembles we have got to leave the whole question in the hands of the President, whether we wish to do so or not.

A few days ago I was thoroughly convinced that the President meant business. I still hope that I was correct in that view. The time has come when President Wilson is to be judged not by his expressions of devotion to humanity, not by his desire to be of service to mankind, not by his beautiful thoughts, nor yet by his still more beautiful words—in short, the time has come when President Wilson is to be judged by his deeds. The head of our Nation is about to be weighed in the cold balance of reality. May he not be found wanting! [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The Clerk will read.

The Clerk read as follows:

Appropriations herein made for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the superintendent), except as now provided by law.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD which I made on the previous paragraph.

The CHAIRMAN (Mr. Caise). The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Afognak (Alaska) Station: Superintendent, \$1,500; foreman, \$1,200; two fish-culturists, at \$960 each; three apprentice fish-culturists, at \$900 each; cook, \$900; in all, \$8,220.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. In this paragraph and through the next 50 paragraphs almost invariably the bill carries new designations of "fish culturists" and "apprentice fish culturists" instead of "skilled laborers" and "laborers." I wish to know what is the purpose of the committee in the change of designation?

Mr. SHERLEY. These men are not laborers in the strict sense of the term. Many of them are really men of some scientific attainment who are literally fish-culturists, and it was felt that it was only fair to give them a designation in keeping with the facts. To some of them it seemed somewhat a slighting of their work and the importance of it to designate them simply as "laborers."

Mr. STAFFORD. What work do they really perform? Some of the hearings I have read indicate that they are mostly engaged in the work of labor about a fish-cultural station.

Mr. SHERLEY. They actually do labor, but a great deal of their work is work in connection with fish culture and the breeding of fish and in the study of fish life and the technical scientific work in connection with it.

Mr. STAFFORD. Well, they are not technical persons; otherwise you would not be paying them the high salary of \$600 a year.

Mr. SHERLEY. Well, they are usually young men who start out in those small places, hoping to be promoted to the higher positions as superintendents of these various stations. They are not just the ordinary common laborers that we usually have in mind in speaking of "laborers."

Mr. STAFFORD. As I understand it, the only force that is engaged about these various stations is carried in these respective items.

Mr. SHERLEY. No; there are a number of laborers at different stations that are cared for out of the general appropriation for the maintenance of these stations.

Mr. FITZGERALD. For the propagation of food fishes.

Mr. SHERLEY. Yes. There is a provision that the gentleman will find later on in the bill for the propagation of food fishes, and so forth, amounting to something over \$300,000.

Mr. STAFFORD. How much does the gentleman say?

Mr. SHERLEY. Three hundred and seventy-five thousand dollars, I think, this year. The gentleman will find it at the end of page 162. Out of that fund a number of ordinary laborers are paid.

Mr. STAFFORD. Are these various officials, who have been formerly described as "laborers" and "foremen," and the like, civil-service employees?

Mr. SHERLEY. Yes, sir; they are not only civil-service employees, but they stand a technical examination.

Mr. STAFFORD. I thought the purpose of the change of designation was nothing more than that which we find quite frequently a means of increasing salaries when a bill subsequently is under consideration.

Mr. SHERLEY. There were requests for increases of salaries, but the committee did not grant those requests. The reason for the change was not that at all. It was believed to be only fair that these men should be designated accurately, as we have sought to do.

Mr. MONDELL. This change of language was all in the interest of the uplift.

Mr. STAFFORD. There is no question, in my opinion, but that it is in the interest of the uplift of salary. The gentleman will realize that they can make a stronger appeal for an increase of salary if they have a technical name, such as that of "fish culturist," rather than the name of "laborer" or "foreman."

Mr. SHERLEY. I do not think they will fool the committee of which the gentleman and I are members.

Mr. STAFFORD. I do not think they would stampede the gentleman from Kentucky [Mr. SHERLEY] or the gentleman from New York [Mr. FITZGERALD], but perhaps it might be potential with the gentleman from Wyoming, who happens to be rather considerate of the welfare of these employees.

Mr. SHERLEY. Oh, no.

Mr. MONDELL. As I said to the gentleman a moment ago, this is in the interest of the uplift.

Mr. STAFFORD. I think the gentleman is called upon to make a more specific explanation of what he means by the uplift.

Mr. MONDELL. We are trying to make the labors of these worthy servants of the people easier by giving their service a more euphonious title.

Mr. STAFFORD. It is not only euphonious, but slightly misleading.

Mr. MONDELL. The young men who are taken on in the service with the expectation of securing a training that will make them fish-culturists, and good ones, feel more comfortable about their employment, I am quite sure, if they are called assistant fish-culturists than they would if they were called laborers. A boy writing home to his mother or his sweetheart in regard to his employment feels a little better about it if he can say that he is an assistant fish-culturist rather than a laborer. And these people are not laborers. Fish culture is a science, and we are training these young gentlemen in the science of fish culture, and we ought to designate them with the proper title.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order. The Clerk will read.

The Clerk read as follows:

Key West (Fla.) Biological Station: Superintendent, \$1,500; engineer, \$1,000; laboratory aid, \$900; fish-culturist, \$900; two apprentice fish-culturists, at \$600 each; in all, \$5,500.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I notice that in last year's bill, so far as the Key West station was concerned, we made provision for the employees there for not exceeding six months. This year you are making them annual employees. What is the reason for the change?

Mr. FITZGERALD. The station there was under construction and was only open six months during that fiscal year, and, so that there would be no misunderstanding as to the rate of salary, those words "for six months" were inserted in that bill.

Mr. STAFFORD. While I am on the floor I will ask, Has there been any decided increase of salaries of these officials connected with the fish-cultural stations?

Mr. FITZGERALD. There were a great many requests—

Mr. STAFFORD. And the committee followed their almost inexorable rule in declining to grant increases?

Mr. FITZGERALD. Yes. The committee has great sympathy for the movement, but nearly all of these employees will come in for the 10 per cent increase.

Mr. AUSTIN. The committee increased its sympathy, but not the salaries!

Mr. FITZGERALD. Nearly all of these employees will come in for the 10 per cent increase.

Mr. STAFFORD. Ten and five per cent.

Mr. FITZGERALD. Most of them for 10 per cent. Most of them are under \$1,200.

Mr. STAFFORD. There are some above \$1,200.

Mr. FITZGERALD. The superintendents; yes. They are well paid.

Mr. STAFFORD. I suppose the gentleman now realizes that the 10 and 5 per cent increases originally suggested by the Committee on Appropriations are going to be the law as to all governmental employees.

Mr. FITZGERALD. I hope that will satisfy Government employees. I am not sure that it will.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Propagation of food fishes: For maintenance, equipment, and operations of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, temporary labor, propagation, and not to exceed \$10,000 for distribution of fresh-water mussels, and the necessary expenses connected therewith, \$375,000.

Mr. STAFFORD. For information I wish to inquire as to where these various vessels under the Fish Commission are used—in what waters? Here we have some seven steamers which are provided for.

Mr. FITZGERALD. They are used on the Atlantic, the Pacific, the Gulf, and inland waters.

Mr. STAFFORD. What is the purpose—to distribute fry out in the ocean, or to gather it?

Mr. FITZGERALD. To gather it.

Mr. STAFFORD. Gathering the fry and then distributing it to stations or in the streams?

Mr. FITZGERALD. Some of them are on the inland waters—the rivers. For instance, they have a fish station at Louisville, where it is necessary to have a launch. At Woods Hole, Mass., there is a very extensive station. Then, they have the biological station at Beaufort, N. C. They are making very important investigations there. Then, for instance, the return of the tile fish was discovered by these boats. The tile fish was a very important food fish some years ago, and then it suddenly disappeared. As the result of studies by the Bureau of Fisheries that bureau determined that the tile fish would return at a certain time. They outfitted an expedition and induced some fishermen to equip boats to go with them, and they relocated the tile fish, which have become a very important food fish again.

Mr. STAFFORD. From the number of the officers and crews I assume that these vessels are not very large.

Mr. FITZGERALD. They are not very large boats, with the exception of the *Albatross*, which is manned by officers and crews from the Navy.

Mr. STAFFORD. Is that engaged in Alaskan waters in connection with the salmon fisheries?

Mr. FITZGERALD. No; the *Albatross* is engaged along the coast of California, Oregon, and Washington.

Mr. STAFFORD. I assume there has not been many vessels added in recent years to this fleet with the Fish Commission.

Mr. FITZGERALD. We gave them one within the last few years. These are all small boats. The bureau complained about their condition somewhat, but they are good boats.

Mr. STAFFORD. Does the gentleman know whether there are any boats on the Great Lakes? The claim has been made that owing to the number of fishermen on the Lakes the fish there are rapidly being exterminated. Have we any boats on the Great Lakes engaged in the work of increasing the fish supply there?

Mr. FITZGERALD. We have stations on the Great Lakes. For instance, in the State of New York there is Cape Vincent, and there is one at Duluth.

Mr. STAFFORD. Have we any boats similar to these engaged in the service?

Mr. FITZGERALD. They are good-sized launches. I do not know that there are any large vessels.

Mr. AUSTIN. The gentleman from Wisconsin has not asked the chairman yet whether they have taken a census of the fish.

Mr. STAFFORD. The Bureau of the Census has launched into all kinds of activities—statistics as to marriage, divorce, birth control, and I am surprised that they have not taken a census of the denizens of the deep.

Mr. FITZGERALD. I have no doubt that if the gentleman from Tennessee was Director of the Census he would have taken a census of the fish.

Mr. AUSTIN. Perhaps he would vote for an appropriation of that kind if the gentleman would bring one in.

The Clerk read as follows:

Distribution cars: The appropriation of \$40,000 in the sundry civil appropriation act for the fiscal year 1917, for the purchase or construction of two steel cars for the distribution of useful food fishes, is continued available during the fiscal year 1918, together with the further sum of \$15,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I assume that the appropriation carried in this item making this appropriation continued available during the fiscal year 1918 is on account of the increased cost of materials for these two steel cars for the Fish Commission.

Mr. FITZGERALD. The increased cost in materials and labor made it impossible to buy these steel cars for the amount appropriated. The amount appropriated was \$40,000 for the two new cars.

Mr. STAFFORD. That is a pretty high price for a car that is virtually a skeleton car without any furnishings inside. I assume that the cars are not lavishly equipped.

Mr. FITZGERALD. They have to have certain special equipments; they have to be steel cars and they have to have tanks and quarters for the employees. This is a combination car in which facilities are provided for the transportation of the fish and the employees.

Mr. STAFFORD. How many cars are there in service under the control of the Bureau of Fisheries?

Mr. FITZGERALD. Several. This is to replace the wooden cars, because the railroads have refused to take the wooden cars on the fast trains.

Mr. STAFFORD. I was under the impression that the cars did not have a special equipment. I know in Wisconsin when the State commission sends out fish fry they do it in receptacles like milk cans, and I assumed that when the Bureau of Fisheries here assigned fry for the interior part of the country they were sent in the same way. I know that when I make an application for fish fry they always ask the name of some person to receive the consignment.

Mr. FITZGERALD. The work done by the State commissions is not at all comparable to the work done by the United States Bureau. For instance, the Bureau of Fisheries transports fry from the Atlantic coast to the Pacific coast. These cars travel all over the United States. The Bureau of Fisheries is continually attempting to introduce valuable food fishes from one section of the country into another section, where, after study, it is believed that they would thrive in waters where they hitherto have not been.

So these cars go long distances. It is very desirable that they shall be attached to fast moving trains. The cars the bureau has had heretofore have been wooden cars, and under the modern methods of making up fast trains the railroads decline to haul them as a part of the fast train. There is too much danger in putting a wooden car between heavy, modern steel cars. In order to utilize them efficiently it is necessary to have steel cars.

Mr. STAFFORD. I assume that it will be necessary to replace all of the wooden cars by steel cars.

Mr. FITZGERALD. Eventually it will. The purpose was to provide for two at the time this appropriation of \$20,000 was made, with the expectation that later on other cars would be replaced with steel cars. In the meantime there was a very great increase in the cost of steel, material, and labor, which resulted in the fact that the lowest bid received was \$27,000. So that in order to obtain two cars about \$15,000 is necessary to be added to the original appropriation.

Mr. STAFFORD. The information furnished by the gentleman indicates that it is in line with the policy adopted by the Congress for the railway post-office cars in connection with Postal Service requiring them to be of steel so as to safeguard the lives of the mail clerks.

Mr. FITZGERALD. We ought not to expect Government employees to travel in antiquated wooden cars that are a menace to their lives.

The Clerk read as follows:

Cape Vincent, N. Y., fish hatchery: For purchase of additional land and for improvement to water supply, \$5,500.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I understand that during the consideration of this measure this afternoon, while I was engaged in important work with

my committee, in passing upon the personnel of the various stations, that an explanation was made by the gentleman from Wyoming [Mr. MONDELL] with reference to changing the title of "laborers" to "apprentice fish culturists," and that the gentleman explained the reasons given to the committee. I want to say that, in my opinion, while the change may be desirable, the reasons given to the Appropriation Committee are not sound nor should they have been found sufficient to have resulted in a change of the title of these positions, because the Deputy Commissioner of Fisheries stated that the young men who would be called upon to fill the positions, or who seek to take the examination, would be ashamed to be termed "laborers," and they wanted some more high-sounding title.

But let me point out to the committee that it is only a small portion of the year that these young men—college graduates or high-school graduates, or whomever they may be—are actually engaged in the somewhat dubious pursuit of fish culture. The great portion of the year they are doing mere manual service, such as painting buildings, mowing lawns, raking up driveways, sweeping out hallways, assisting in the carrying of ashes, putting in coal and other supplies, and other necessary and honorable work required on these stations, and the term "laborer" more nearly fits the work which they do at these times.

I believe, however, that while the matter of this change of title is not of great importance, it is an indication of the tendency to make this bureau a great scientific establishment, and one in which science will have more and more of the efforts of the bureau and actual fish hatching resultingly suffer. I hope this may not be true. I trust the great record of the bureau in practical fish culture and restocking streams, rivers, lakes, bays, and the ocean may be continued and even increased.

Any young man who is going into the service of the Government employ, if he is worth anything and is the sort of an employee which it is desirable to have, in my opinion, will not object to being termed a "laborer." Furthermore, this change in designation will not result, in my opinion, in getting any more efficient employees. It might, it is true, attract more high-toned youths or more members of the molluscoid class in this branch of the service, but usually, except during a small portion of the year, the gentlemen who seek employment in this branch of the service are after the money that there is in it. During the summer season in some stations the service is filled up with gentlemen who are pursuing science, and they prefer to be known as scientific assistants, and not mere apprentices, and if you could associate with some of these gentlemen, as I have, you would soon be impressed with their superior air.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. HOWARD. Mr. Chairman, I object.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. The gentleman from Massachusetts [Mr. WALSH], as we all know, was employed in one of these fish-cultural stations only a few years ago and is conversant with conditions prevailing there. When the question was up for consideration I raised the point of order on the very first paragraph where the change in phraseology was made, seeking to get information as to whether it was an improvement over the language heretofore carried in the bill and was informed by various members of the Committee on Appropriations that it more properly characterized the work in which these people are engaged. As I understand the gentleman's statement, it is his opinion that the designations that were formerly applied to these men are more fitting to the work they perform?

Mr. WALSH. I did not make that statement.

Mr. STAFFORD. I understood that the gentleman from Massachusetts preferred to have the old designations rather than the new, and I rose to ascertain the gentleman's position.

Mr. FITZGERALD. Mr. Chairman, I do not know the conditions existing in the service when the gentleman from Massachusetts [Mr. WALSH] honored it with his assistance, but at present these young men take civil-service examinations for the position of apprentice fish culturist. After they have taken such an examination, for which they have to have some special qualifications, they receive offers of appointments as laborers in the Bureau of Fisheries. They resented in some instances the tender of a position as laborer when they supposed they were competing for a position of some scientific character. The psychological effect, in the language of the Secretary of Commerce, upon these young men under such circumstances had a

very demoralizing influence upon the service. Then, their sisters, their cousins, and their aunts, and other female relatives and admirers were somewhat perturbed that these young men were working as laborers. It was such a little thing to change their title and make them feel happy, and give them the title of the position for which they thought they were taking an examination that the committee believed it would not only be proper but a very appropriate action to recommend. Nobody deplors or resents the fact that they have to work, but the average graduate of a high school or a college does not feel particularly happy to start life in a position the title of which is laborer. If we can help to ease their minds and make their friends feel better, help them to believe that they are not occupying a menial position, I think we have done a very noble and meritorious work.

Mr. TILSON. Especially as the gentleman has not increased the appropriation.

Mr. FITZGERALD. No; it has not cost any money. Under the circumstances, I think that the committee, as it always does, acted with the utmost wisdom and deserves the commendation of the House and the country for its act.

Mr. MONDELL. I entirely approve the statement just made by the chairman of the committee, that in this very important matter the committee has acted as usual with great wisdom. There is a feature of this matter that has not been discussed, although it was just hinted at by the gentleman from New York [Mr. FITZGERALD], and that is the feature of economy. The committee in preparing this bill were anxious to do all that they could to make the pathway of the employees of the Government smooth and comfortable and agreeable without increasing their salaries. When a certain class of employees, distinguished from other employees in that while the others were asking for an increase they merely submitted to the committee a suggestion of a change of designation that did not cost a penny, naturally the committee thought that in view of that situation it certainly could do no less than give them a change of designation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. Do I understand the gentleman to maintain that there was a demand on the part of the employees of the service for this change presented to the committee?

Mr. MONDELL. Oh, there was a demand upon the part of the representative of the service, who is supposed to represent the men in the service. Of course, the gentleman understands the Committee on Appropriations can not hear every man in the public service. These gentlemen are represented by their representative while others asked for increases, and some were, in fact, entitled to increases. All that was asked on behalf of these young men, whom we have been informed are undergraduates who have taken the civil-service examination, was a change of designation—a change of title, if you please.

What could be cheaper than that? If you can so improve men's conditions psychologically without spending a penny of the public money, why not do it? Those were some of the motives that actuated the committee in passing upon this important matter. Seriously, we made this change, as has been stated, because these people are, in fact, fish-culturists and should be so designated.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Texas desires to present a privileged report. To enable him to do so, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20967, the sundry civil appropriation bill and had come to no resolution thereon.

LEAK INVESTIGATION.

Mr. HENRY. Mr. Speaker, I submit a privileged report on three resolutions which were referred to the Committee on Rules to make certain investigations in regard to what is known as the leak. I wish to say that the committee have unanimously agreed on this report, and I desire to ask unanimous consent that the report be printed in the Record for the information of the Members without reading the same. One is rather lengthy and would take probably 10 minutes, and I do not desire to delay the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that the reports made by the leak-investigation committee shall be printed in the CONGRESSIONAL RECORD for the information of Members.

Mr. STAFFORD. Mr. Speaker, reserving the right to object—

Mr. MONDELL. I would like to ask the gentleman from Texas when he expects to call up these reports?

Mr. HENRY. I would like to move to lay on the table tonight. This is a unanimous report, and I desire to dispense with the reading so as to save time and go ahead with this bill. One of the reports would take about 10 minutes' time to read it.

Mr. MONDELL. Do I understand minority Members desire no time?

Mr. HENRY. No; it is a unanimous report; there is no controversy over it.

Mr. FITZGERALD. The gentleman wants to have it printed instead of having it read, and it can be called up at any time later.

The SPEAKER. The gentleman from Texas asks unanimous consent to have this report, which is a unanimous report, printed in the Record for the information of Members. Is there objection?

Mr. HENRY. Mr. Speaker, I would like to make the motion—

Mr. STAFFORD. Mr. Speaker, I have no objection to having it printed, but there is objection to having it considered at this time.

The SPEAKER. Is there objection to the printing in the Record? [After a pause.] The Chair hears none.

The report is as follows:

Mr. HENRY submitted the following:

REPORT (No. 1580) OF COMMITTEE ON RULES ON HOUSE RESOLUTION 446.

On the 15th day of January, 1917, House resolution 446 was referred to the Committee on Rules. The resolution is as follows:

"Resolved, That a committee of five Members be appointed by the Speaker of the House to investigate and make report as to whether any person connected with the executive or legislative branches of the Government of the United States has, since March 4, 1915, profited financially, either directly or indirectly, by the fluctuations in the stock market by reason of any advance information as to any action by the executive or legislative branches of the Government; and for such purposes it shall have power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time."

The committee has fully investigated the subject matter, and reports as follows:

At the opening of the hearings held by the committee, Representative WILLIAM K. WOOD appeared and made certain statements of information which had come to his knowledge relating to advance knowledge of the President's note to the belligerent powers, which was published in the morning papers of December 21, 1916. Thereafter additional charges were presented by Thomas W. Lawson, of Boston. The committee will first take up the Lawson charges.

THE LAWSON CHARGES.

The statements of Mr. Lawson were not precise or definite. They took the form of suggestion and innuendo rather than of direct accusation. Apparently, however, the witness intended in substance to make these charges:

1. That a member of the Cabinet, a United States Senator, and a banker were together interested in a speculative stock market account, the profits of which they divided equally, the success of their speculation being promoted by advance information that a note either had been, or was to be, sent to belligerent nations, of a character likely to promote the prospects of peace in Europe. That the intermediaries in conducting the speculation were a brother of the member of the Cabinet and his partner.

2. That the beneficiaries of advance information as to the President's note "included high and low lawmakers and law administrators and others engaged in the direction of our own and other Governments."

3. That Senators and Representatives generally were speculating in the stock market.

When forced to disclose the facts upon which he based his first charge, the names of his informants and the names of the officials and other persons therein accused, the witness stated (Rec., p. 284): "Information came to me by a man coming to some of my people, and I have even forgotten which of my people. * * * He came and stated these things flat-footedly that he had the papers and evidence and everything, which he would produce and show the accounts. * * * and I refused to meet the man in the bustle and bustle of things, and made a short cut"; but the witness added that subsequently this information was confirmed by one Archibald S. White, of New York City, a reliable man. That White had said to him that the banker referred to in the charge (one Pliny Fisk) had stated to him (White) that he not only had such a joint account but other accounts as well (presumably of a similar character), and furthermore had such absolute control of the Cabinet member that he could bring him from Washington to New York, or to the telephone, at any hour of the day or night, and that Fisk in his conversation with White offered at that moment (at 1.30 in the morning) to call up the Cabinet officer to answer questions; that the Senator's identity was unknown to him except by the initial "O," but the Cabinet member was Mr. McAdoo. That the banking firm carrying this joint account was either that of Harvey Fisk & Co. or C. D. Barney & Co. That the member of the Cabinet official's family referred to was Malcolm McAdoo, a brother of the Secretary of the Treasury, and the brother's partner referred to as an intermediary, Stuart G. Gibboney, of New York City.

When forced to give names under the second charge, the witness stated that one Ruth Thomason Visconti had informed him that a newspaper man named Price and the President's Private Secretary had acted as intermediaries in giving advance information of the President's note, Price having received \$5,000 and the President's Private Secretary a much larger sum for the service.

As to the third charge, the witness admitted that neither on his own knowledge, nor upon information, could he give the name of a single Senator or Representative who speculated.

THE EVIDENCE ON THE LAWSON CHARGES.

The committee has examined under oath and by aid of counsel every person named or suggested by Mr. Lawson. Not one of them supported or corroborated these charges. On the contrary, every one of them contradicted him. Furthermore, as a result of a careful examination of the customers' accounts of New York brokers, no such account as was described by the witness was disclosed or even indicated.

Not one of these charges of the witness, Lawson, therefore, was sustained by the evidence. His every statement in support of them proved to be founded either upon pure imagination or idle, irresponsible, or malicious gossip.

Mr. Archibald S. White, referred to by the witness as his authority, denied ever having made the statement attributed to him by Mr. Lawson, or any statement whatever on the subject.

Mr. Pliny Fisk denied that he had ever had the conversation with Mr. White attributed to him, or anything like it. He denied that he was or ever had been, during Secretary McAdoo's incumbency of office, interested with him in any joint account, speculative or otherwise, and the firm's books, introduced for the inspection of the committee, fully confirmed and verified his statement.

Mr. Malcolm McAdoo denied that he had ever acted as go-between or in any other capacity in connection with such an account, or that he had any knowledge thereof, or that he had had any business relations with the Secretary of any character or description whatever during the period covered by this investigation.

Mr. Stuart G. Gibbons also denied any participation in or knowledge of any such joint account. He stated that not only was he not a partner of Mr. Malcolm McAdoo, but that he was not even personally acquainted with him, and that as to the Secretary of the Treasury he had had no business relations with him of any sort or description during his incumbency in office.

J. Horace Harding, a member of the firm of C. D. Barney & Co., denied that that firm had any account in which the Secretary of the Treasury was interested, and the books of the firm corroborated and confirmed his statement. He stated further that he had not met or communicated with the Secretary of the Treasury, directly or indirectly, for a year, except that last summer he was present at dinner at the house of a mutual friend at which the Secretary and Mrs. McAdoo were present.

After diligent search and inquiry no evidence was offered, adduced, or found even indicating that Secretary McAdoo had been guilty of any improper conduct or that he is subject to criticism in any way.

Mrs. Ruth Thomason Visconti, whose name was given by the witness Lawson as authority for his statement in relation to Secretary Tumulty and William W. Price, testified that while she gave the information to Mr. Lawson substantially as narrated by him, she told him that she had no personal knowledge of the facts; that her information came from no one in official life, and that she gave the information not as evidence of the facts, but merely as suggesting a line of inquiry to be pursued in the investigation. It subsequently developed that the source of her information was a statement made by a young daughter of the newspaper man, Price, who had examined her father's bank account in his absence and had based thereon an inference which the facts did not justify. As to Secretary Tumulty, there was no evidence whatever to sustain any such charge.

THE WOOD CHARGES.

The information presented by Representative Wood, if substantiated, would tend to establish the following propositions:

First. That information regarding the President's note was in brokers' offices in Chicago, Oshkosh, Wis., and Lafayette, Ind., about 1 or 2 o'clock on December 20, the day prior to the publication of the President's note in the newspapers.

Second. That Otto H. Kahn, of the banking firm of Kuhn, Loeb & Co., of New York City, received advance information of the President's note, told his friends regarding it, and advised them to sell stocks short.

Third. That Bernard M. Baruch, a member of the New York Stock Exchange, and speculator, with offices in New York, had information regarding the President's note as early as Saturday, December 9, and on two or three different occasions had been seen in consultation with Joseph P. Tumulty, the President's private secretary, at the Biltmore Hotel, in New York City—the obvious inference of the charge being that such advance information had been received by Mr. Baruch from Mr. Tumulty on some one or all of those occasions.

Fourth. That F. A. Connolly & Co., a brokerage house in Washington, owning a seat on the New York Stock Exchange, of which Mr. R. Wilmer Bolling, a brother of the President's wife, was a member, had dealings on the stock exchange through the New York brokerage house of E. F. Hutton & Co.—the inference being that those dealings were profitable and were guided by advance information regarding the President's note.

THE EVIDENCE ON THE WOOD CHARGES.

As to evidence in support of these charges, Representative Wood appeared before the committee and stated that he had no first-hand knowledge of the facts and desired to place such information as he did have before the committee in executive session, but the committee required him to give it in open session of the committee.

As to these propositions, the first was clearly established on the evidence. Advance information regarding the President's note undoubtedly existed in Chicago as early as 12 o'clock (Washington time) December 20, and was sent out from Chicago to Oshkosh, Wis., Lafayette, Ind., and to other western cities shortly after its receipt in Chicago. With this matter the report will deal later.

The second proposition was not established. No evidence was offered to support it. Mr. Kahn made a sweeping denial before the committee and offered the books of his firm for inspection. No evidence could be found as a result of careful examination which indicated either that Mr. Kahn or his firm were speculating in the market at any time during the week of December 18.

As to the third proposition, Mr. Wood laid before the committee a letter signed "A. Curtis," which contained the statement above referred to regarding Mr. Baruch and Mr. Tumulty.

The committee, however, were unable to find the author of the letter. The signature was evidently fictitious and the statements which it contained were unfounded. Both Mr. Baruch and Mr. Tumulty denied that they had ever met at the Biltmore Hotel or that they had been in conference regarding the President's note on any occasion before its publication. A careful inquiry by the committee failed to produce the slightest evidence to substantiate the charge.

While it appeared in evidence that Mr. Baruch was speculating during the week of December 18, he denied that he either had or was influenced by information in relation to the President's note, and no

evidence was adduced or could be found indicating that he had any such information.

As to the fourth proposition, the following are the facts:

Mr. R. Wilmer Bolling became a member of the firm of F. A. Connolly & Co. about the 13th of October, 1916, at which time he contributed the sum of \$30,000, which was used, with an equal amount contributed by another partner, William H. Robertson, toward the purchase of a seat on the New York Stock Exchange. The Connolly firm were connected with E. F. Hutton & Co., New York brokers, by private wires, over which the orders of the customers of the Connolly firm were transmitted.

From a careful examination of the books of the Connolly firm it appears that neither the firm nor any of its members profited by fluctuations in the prices of stocks during the week of December 18, and it does not appear that any customer profited in any substantial amount.

The committee has found no evidence indicating that Mr. Bolling personally was interested in any stock transaction whatever during that week or that he had any knowledge or advance information of any description in relation to the President's note.

ANONYMOUS CHARGES AND OTHER INFORMATION.

During the hearings a suggestion was received by the committee to the effect that Mr. Secretary McAdoo was, or might be, under financial obligations to Mr. Pliny Fisk or to Harvey Fisk & Sons. Although the subject matter was but remotely, if at all, connected with the committee's inquiry, Mr. Fisk, when called as a witness, testified without objection (and in accordance with a desire expressed by the Secretary so to do) regarding his financial relations with Secretary McAdoo. It thus appeared in evidence that there had been no financial dealings between the Secretary and Mr. Fisk for at least three years; that about the 1st of February four years ago, when Mr. McAdoo was notified of the President's purpose to appoint him Secretary of the Treasury, he had outstanding loans to a considerable amount, all secured by collateral and held by banks in New York City; that he deemed desirable that these loans should be taken up before he assumed office, and to that end requested Mr. Fisk, who had been associated with him in financing the Hudson or McAdoo tunnels, so called, to undertake the sale of Mr. McAdoo's collateral and the payment of his loans as speedily as could be done without serious sacrifice; that Mr. Fisk undertook the matter, advanced the funds for taking up the loans, received Mr. McAdoo's collateral, sold the same as speedily as possible, and after paying himself out of the proceeds from the sale of the collateral turned over the surplus to Secretary McAdoo. This was all accomplished and the surplus collateral turned over to Secretary McAdoo by January 15, 1914.

Suggestions from several different sources were pressed upon the committee to the effect that members of the German Embassy had had advance information of the President's note and had profited thereby in stock-market speculation. It is sufficient to say that no evidence whatever was offered to sustain this charge, and that a careful examination of the stock brokers' accounts in New York and Washington failed to reveal evidence of any such speculation.

An anonymous informant asserted that James B. Regan, of New York, was an intimate friend of Secretary Tumulty, and had received from him advance information and had thereby profited in speculation. The evidence disclosed, however, that Mr. Regan had made no profit in the stock market during the month of December. Furthermore, there is no evidence even indicating that Secretary Tumulty had any knowledge that the President had written or contemplated sending the note in question to the warring powers until some hours after Secretary Lansing's announcement at 11 o'clock; and no evidence was adduced or found indicating that Mr. Tumulty had speculated in the stock market or had been interested in such speculation.

The committee also during the hearings received from several sources (many of them anonymous) suggestions which apparently, in the minds of the informants, would be likely, if followed out, to disclose beneficiaries of advance information other than those included in the Wood and Lawson charges. Careful investigation has been made of every reasonable suggestion received, but nothing has been developed having substantial foundation.

THE CHARGES AS TO SPECULATIONS BY SENATORS AND REPRESENTATIVES.

The committee has examined with careful scrutiny the lists of customers furnished by all the stock-exchange houses of New York and Washington and every customer's account which, by reason of its character or size, would be likely to show profits accruing to Senators or Representatives or other public officials from advance information or knowledge regarding the President's note.

And the committee report that they find no evidence tending to show that any person connected with the executive or legislative branches of the Government has since March 4, 1915, profited financially, either directly or indirectly, by the fluctuations in the stock market by reason of any advance information as to any action of the executive or legislative branches of the Government.

THE ADVANCE INFORMATION THAT WAS GIVEN OUT.

It is a fact, however, as hereinbefore stated, that advance information regarding the President's note was given to certain stock brokers during the forenoon of December 20, 1916. To this extent the charges of Representative Wood are sustained.

The facts regarding it are these: The Secretary of State is accustomed to meet newspaper reporters at 11 o'clock on certain days to give them official information of news proper to be given out from the department. On the morning of December 20 at the usual hour Secretary Lansing stated to the newspaper reporters assembled at the State Department that he would have an important communication to give to them at 5 o'clock that afternoon, to be released for the next morning's papers; that this communication had already been sent to all belligerent nations, and that he informed them of the fact in order to prevent publication of it in garbled form if the communication, or any part of it, should come back from Europe. The Secretary stated that the communication did not contain proposals for peace or an offer of mediation. He further stated that what he had said was to be held in strict confidence, although the correspondents might, in similar confidence, inform their editors of the fact that such a communication was to be given out.

It did not appear in the evidence that any of the correspondents present at this interview with the Secretary of State gave this information to anyone except their editors and to other correspondents not present, but who appeared entitled to the information for their own papers and who received it in the same confidence imposed by the Secretary of State. The fact is established, however, that two correspondents who were not present at the interview, but learned some-

thing of it from some of those who were present, immediately gave out information as hereinafter recited to firms of stock brokers to whom they had been in the habit of communicating Washington matters likely to affect the stock market. Within an hour of the confidential statement by Secretary Lansing (to be exact, at 11:52 o'clock a. m. December 20) William W. Price, for some 20 years a reporter for the Washington Star stationed at the press room in the executive offices of the White House, sent the following telegrams (signed in assumed names) to firms of stock brokers in Chicago:

To FREDERICK C. ALDRICH (CLEMENT CURTIS & Co.):

Have information that important State Department statement regarding economic conditions of European war as affecting neutrals and intended to promote peace prospects likely to be published late this afternoon.

CHILDS.

To FINLEY BARREL & Co.:

Am informed that State Department contemplates making public late this afternoon important statement bearing on economic situation of the European war as affecting neutrals, object being to indirectly promote peace prospects through bringing neutrals closer together.

SPENCER.

No later at least than 1:35 o'clock p. m. of December 20, J. Fred Essary, the Washington correspondent of the Baltimore Sun, sent to E. F. Hutton & Co., stock brokers in New York City, a message stated by Mr. Essary to be substantially as follows:

"I am informed that a highly important message to all belligerents and neutrals has been issued from Washington, interpreted not as pressure on belligerents in behalf of peace but as an opportunity to put American demands on record, to be considered, if there is peace, and warning that neutral rights must not be further encroached upon. Full text to be given out to-night, and will be looked on as a move of great moment."

Just how, or exactly when, this message was sent the committee is unable definitely to determine. The message was not produced at the Hutton offices (the claim being made that it had been destroyed), and Essary testified that he kept no copy. Essary stated that he sent the message about 1 o'clock over the private wire between the Connolly offices in Washington and the Hutton offices in New York City. In the statement that it was sent over the private wire he was corroborated by the telegrapher in the Connolly offices. It appeared, however, from the evidence of the members of the Hutton firm that the Essary message had been received by them prior to 12:57 o'clock p. m., at which time they sent out to all their correspondents a message based upon the Essary message, in the following terms:

"Reports have it that the State Department will issue statement to-day intended to promote peace prospects."

Furthermore, the telegraphers in the Hutton offices, who would have received this message in usual course, if sent, and who stated that they would have remembered it on account of its peculiar and important character, testified that they received no such message on December 20.

The telegrapher of the Connolly firm testified that he sent it out over the Connolly wire at 1:35 p. m. December 20.

An inference that Mr. Essary believed he was giving accurate information would be strongly supported by the further fact that he knew (according to his own admission) that the message was to be used by the brokers as a basis of action in the stock market, and that if it were wrong it might cause heavy losses to the Hutton firm instead of the gains which would accrue if the forecast were accurate.

On the other hand, the committee examined practically every person who handled the entire note or copies thereof from the time it was given to Mr. Secretary Lansing direct from the White House by the hand of the chief usher (not being sent through the executive offices) up to 5 o'clock of December 20, when printed copies were delivered to reporters, without discovering evidence which would justify a suspicion that any one of these persons had in any way or degree violated the confidence in which they received the note. Furthermore, Mr. Essary firmly denied that he had seen a copy of the note or had any other information of any sort or description regarding it except such as was narrated to him by one of the reporters present at the interview with the Secretary of State and other reporters whose names he could not recall. He stated to the committee that, hearing that the President had sent out a message to belligerent nations, he was certain what its general nature must be because of his knowledge of general conditions of the situation and what they would influence the President to say; that the telegram was purely his own forecast, without the slightest knowledge of what the note actually contained; Mr. Essary further testified that in his opinion his message, when compared with the President's note as actually sent, corroborated his statement that he had not seen the note and that he had no real knowledge of its contents. He pointed out that while his message interpreted the note as not bringing "pressure on belligerents in behalf of peace," yet in point of fact the note obviously was intended to exert such pressure; that while his message interpreted the note as "an opportunity to put American demands on record to be considered, if there is peace," the President's note contained no such thing; and that while he forecasted the President's note as a "warning that neutral rights must not be further encroached upon," the note itself contained no such warning.

Mr. Essary further testified that in his opinion the underlying purpose of the President's note was plainly to induce the belligerent nations to state their own demands, while his own forecast contained no such thought.

Mr. Essary testified that he filed it (the message) with the telegrapher at the Connolly office about 1 o'clock on December 20.

Mr. Connolly testified that he wrote and sent this telegram, based upon rumors in his office. His testimony, however, was of such a character, and in so many important particulars demonstrated to have been false, that the committee gives no credence to it.

It appeared clearly, however, from all the evidence that Mr. Bolling personally had not the slightest knowledge regarding the Essary telegram or the fact that Mr. Essary had been furnishing information to the Connolly office to be transmitted over the private wire to Hutton & Co. The first knowledge he had that such a telegram had been sent over the Connolly wire was when he read in the newspapers of Connolly's testimony in New York and Connolly's statement that he had sent the message. Nor did Mr. Bolling have any knowledge in advance of what Connolly proposed to testify to in New York, or that any note whatever was to be issued by the President or State Department or that any reporter had sent out any information regarding the note to brokerage houses in Chicago or New York.

The committee does not believe that it would be possible to bring out additional facts bearing on this issue.

These two telegrams, Price to Clement, Curtis & Co. and Price to Finley, Barrel & Co., in Chicago, and Essary's message to E. F. Hutton & Co., in New York, constitute all the advance information of the President's note to belligerent powers sent out from Washington to brokers' offices or for stock-market purposes, either on December 20 or prior thereto.

The information given in the Price telegrams was under an arrangement of the Chicago brokerage houses with Mr. Price, whereby he was expected to give to the brokers information of events occurring in Washington likely to affect the stock market, for which he received a compensation of \$25 per month from each firm.

The information furnished by Mr. Essary was without financial gain or recompense to him.

The information contained in these telegrams was sent out by the brokers receiving the same to their correspondents and in some degree given to their customers. Finley, Barrel & Co., in Chicago, sent the message received by them to their New York office, where it was seen by a prominent stock-market operator, J. L. Livermore, about 1 o'clock. Clement, Curtis & Co. sent out their information to E. F. Hutton & Co., Raymond, Rynehan & Co., and J. S. Bache & Co., in New York, as well as to correspondents in the West. The telegrams to Oshkosh, Wis., and to Lafayette, Ind., referred to in Representative Wood's testimony, were based upon the Price telegrams to Chicago.

At about 1 o'clock the Hutton firm sent out to their correspondents throughout the country a "flash" telegram, so called, giving the substance of their information, and some time later sent out confidentially a copy of the Essary message. At 2:05 p. m. the ticker service maintained by the Wall Street Journal sent out the following message:

"The renewed selling of the market is due to reports received by brokers' private wires from Washington to the effect that the administration will in the near future address to the belligerents some suggestions or proposals in regard to peace. Nothing definite is obtainable in administration circles."

This statement was founded upon information that came from Chicago as a result of the Price telegrams, supplemented by a vain attempt to substantiate the truth of the Price telegrams in Washington.

THE IMPORTANCE AND VALUE TO BROKERS OF ADVANCE INFORMATION.

In order properly to estimate the importance and value of this advance information to the Hutton firm and other brokerage firms who received it, it will be necessary to consider the speculative situation, especially in Wall Street, as it existed just prior to the publication of the President's note.

For some months there had existed a steadily increasing speculation, unusual in degree and extent. From every part of the country orders for the purchase of stocks had been constantly streaming into Wall Street. This speculation was chiefly in the hands of brokerage firms known as "leased-wire" houses. These concerns had branch houses or correspondents in practically every city in the country, and were connected with them by private wires. Stocks had been purchased "on margin" running into the hundreds of millions of dollars. The purchasers had paid on account of their purchases from 15 to 50 per cent of the market value of the shares, and the balance of the funds employed in the purchases had been provided by these brokerage houses largely by means of loans at the banks in New York and vicinity, the purchased shares being pledged as security. Brokers' loans throughout the city and vicinity were enormous. They exceeded in extent by millions any amounts recorded in the experience of brokers in recent years. "The public were too much in the market," as several brokers testified. The market was "overbought" and "top-heavy." Early in December some of the banks had commenced discriminating as to the collateral they would accept in their loans, and the rates for call money had become high. The loans of the leased-wire houses especially were extended far in excess of anything in their previous experience. All the brokers were apprehensive of the situation. They feared the happening of some event which might cause a sudden fall in prices, and which might result in a panic which not only would be likely to wipe out their customers' margins, but might even threaten the solvency of the brokerage houses themselves. The feeling was universally prevalent that the ending of the European war and the establishment of peace would cause a serious break in the stock market and possibly precipitate a calamity.

The situation of the firm of E. F. Hutton & Co., as disclosed in the evidence, illustrated a condition which existed in many if not most of the other "leased-wire houses." This firm was carrying 325,000 shares of "long" stock, so called, for their customers; that is, stock which they had purchased for their customers and were carrying on margin. These shares, which were of a value of some \$45,000,000 or \$50,000,000, were all hypothecated at various banks to secure loans of the Hutton firm aggregating some \$28,000,000. Never before had the loans of this concern run over ten or twelve millions. They were therefore "extended" to the very limit. They were practically unable to purchase and carry more stocks on margin for their customers. There was a clear danger that unexpected news of peace or any other event likely to cause a sudden fall of values in the stock market might wipe out their customers' margins, and if the panic resulting was sufficiently severe might make it impossible for the firm to meet their obligations.

Advance knowledge, therefore, of any important move for peace or any other event which threatened stock-market values was most vital to this concern. It is important to understand in just what way such advance knowledge might be used. There were two ways in which they could use it. First, by informing their customers in advance of the event, which would enable the firm to get their customers to sell their stocks, whereby the brokers would be enabled to reduce their loans before public knowledge of the event might cause a break and bring on a panic. In the second place, such knowledge would enable the firm by selling "short" in advance of the break to cover their "short" sales by repurchase of the stocks at lower prices after the break had occurred. Such a use of advance knowledge would enable the firm to reap for themselves a profit amounting to hundreds of thousands and perhaps millions of dollars, according to how serious the break in prices might be. Under the terms of the contract with their customers and the usages of the stock exchange they would be enabled to make this enormous profit by the use of the shares of stock belonging to their customers and which they were holding as security for the payment of the balance of the purchase price. And the fact in the situation still more striking and important is that the brokers themselves had it within their power to make these enormous profits by the use of their customers' stock, while the customers themselves were losing by the break in the market exactly the amount in the aggregate that the brokers were profiting.

THE USAGE OF THE EXCHANGE AND CUSTOMER'S CONTRACT.

Under the terms of the contract which a customer who buys upon margin is expected to sign, and by the usages of the stock exchange, the broker has a right himself to use the customer's stock to deliver to make good his own "short sales" or to loan his customer's stock to other brokers to enable such other brokers or their customers to make delivery in accordance with their "short sales." To illustrate by concrete example: The firm of E. F. Hutton & Co. on December 20 had a right, under this contract with their customers and the usage of the stock exchange, the moment they received advance knowledge of the President's note, to sell "short" the entire 325,000 shares of stock which they were carrying for their customers and to deliver these identical shares in fulfillment of their own "short" sales. They could then on the following day, when the market had fallen off as a result of the publication of the President's note to the world, repurchase the stocks which they had sold "short" the previous day, and thereby reap the profit represented by the difference in the prices at which they had sold on the 20th and repurchased on the 21st. If the difference in price was only a single point, the profit realized would have been \$325,000. If the difference happened to be as much as 10 points, the profit realized would have been \$3,250,000. It is to be observed that the measure of the profit of the broker in such case would be the measure of the loss of the customers.

On December 20 there were other "leased-wire" houses carrying even larger amounts of stocks which they had purchased for their customers, the amounts ranging between 200,000 and 800,000 shares.

These figures illustrate and indeed demonstrate the enormous value to brokers of advance information of an event likely to break the market, even if this advance information be only a matter of hours.

The evidence left it uncertain whether the firm of E. F. Hutton & Co. had profited as a result of their advance information by selling "short" their customers' stock. Mr. Hutton and Mr. Ellis, the only partners who testified, denied that any profit had been so made or that they or any members of their firm had used their customers' stocks to cover their own "short" sales. The senior partner, Mr. Hutton, however, admitted that as a result of the break he had made a personal profit of some \$25,000 or \$30,000. Furthermore, another partner, Barrett by name, after he had received advance knowledge of the President's note, on the morning of December 20, telegraphed Clement, Curtis & Co., in Chicago, "I am selling stocks again." Barrett did not appear as a witness before the committee. During the first hearings in New York he was said to be too ill to testify. At the date of the second hearings he had so far recovered as to go South on a visit, where he was inaccessible. The committee informed the partners who were present that an inference was likely to be drawn from Barrett's telegram and his absence that he had been selling their customers' stock "short" and that he or his firm had profited largely thereby. With full knowledge of this inference and belief in the minds of the committee, no effort was made by Barrett to appear before the committee to offer any explanation of his conduct, and no adequate explanation was offered to account for his failing to appear. Furthermore, at the second hearings Mr. Hutton himself, who had been a witness and was still under subpoena, was reported to have gone to Florida, so that he could not be called upon either to explain the Barrett selling or the testimony which had in the meantime been given before the committee tending to show that his original statements were not in accordance with the facts.

The important question, however, within the scope of the resolution is not whether the Hutton firm used the stocks of their customers to cover their own "short" sales, or to what extent they profited by the advance information which they obtained in connection with selling "short" their customers' stocks (if they did so), but whether such opportunity exists which may be availed of by brokers who are thus disposed.

It is only fair to say that the making of a profit by brokers out of the use of their customers' stock in the manner above described is not approved by the better class of brokers. Some of the brokers appearing before the committee denounced such action as positively dishonest and a breach of trust. The fact remains, nevertheless, that the contract which brokers expect their customers to sign entitles them to do just such things, and there not only is no rule of the stock exchange against it but a customer contracts with a broker according to a custom and usage which permit it.

It was said before the committee that customers purchasing on margin impliedly approve the use of their stock by the brokers in connection with "short" sales when they sign a contract or purchase with knowledge of the usage or custom of the exchange, which permit it. The committee doubts, however, whether many customers realize that the contract which they sign gives the broker such a right or that he is bound by such a usage or custom of the exchange. The terms of the contract are not such as would sharply direct the customer's attention to this particular feature of the contract.

It is this right to use his customer's stock, which is given in the contract and permitted by the usage of the stock exchange, that makes "short sales" possible. Without this right "short sales" of any substantial amount could not be made, for the one who sells short—who sells something that he does not own—must deliver the shares that he has sold the day after the sale, and the usual way in which the "short" seller can make delivery is for his broker to borrow stock for delivery either from the "long" stock belonging to a customer of his own, or by borrowing such long stock from another broker to be taken from the stock of such broker's customers. One broker, both intelligent and frank, who testified before the committee, stated that without marginal purchases "short sales" would not be made, and without short sales and marginal purchases speculation in the stock market would practically come to an end.

PRECAUTION TO PREVENT POSSIBILITIES OF ADVANCE INFORMATION.

It is plainly not within the scope of the duty of this committee, as fixed by the resolution which has been referred to them, to express an opinion or a recommendation as to purchases on margin or short sales or as to stock-market speculation. But the committee feels that they should say that so long as the usage and custom of the stock exchanges of the country are such as are herein above pointed out, and so long as the contracts which brokers insist upon with their customers permit brokers to use the stock belonging to their customers for the purposes of "short" sales, all public officials—administrative and legislative alike—must spare no effort to prevent advance information of events likely to affect stock-market prices from reaching brokerage houses, to enable such of their members (if any) as may be so disposed, unfairly and unjustly to reap large possible profits from confiding and unsuspecting customers scattered throughout the country. The public who, in such large numbers and to such enormous amounts as were disclosed in

the evidence before the committee, intrust their funds to brokers for stock-market speculation, are entitled to be protected against those unfair and unjust advantages which, under the existing usage of the stock exchange, advance information places in the hands of brokers and their immediate friends and associates to make assured profits out of fluctuations in the market—and this is not said even to suggest that any department through which the President's recent note passed was in any way negligent.

It is obvious that in the crisis which is now upon us many State papers and many acts of Government, administrative and legislative, are likely to have marked effect upon prices of stock-market securities. It is obviously wrong that under such circumstances state papers, as important as the recent note of the President, should be entrusted to some 30 or 40 different people during the period of time when their contents ought to be kept secret. It would be no reflection upon the many men who handled the President's recent note, and faithfully kept the confidence imposed upon them, to provide that the number handling such papers in the future shall be much restricted.

EMPLOYMENT OF NEWSPAPER MEN BY BROKERAGE HOUSES.

The evidence taken by the committee showed that several newspaper correspondents had connections with stock-brokerage houses, receiving compensation from them for certain services performed. Most of the correspondents appearing before the committee denounced this practice, and it appeared in evidence that comparatively few were receiving pay for such service, but the committee deem this matter of such importance that it is now considering a revision of the rules of the House relating to the admission of correspondents to the Press Gallery, and expects at a later time to make report to the House thereon.

Under the authority conferred upon it by the House to employ counsel, the committee secured the services of Mr. Sherman L. Whipple, of Boston; and with the aid of counsel and his assistants, and other experts employed by the committee under the authority of the House, examination has been made of the telephone and telegraph records in the city of Washington, of the books and accounts of brokers both in Washington and in New York City, and every suggestion made to the committee which appeared to have a basis from which it could be reasonably concluded that any facts and material useful to the committee for the purposes of the investigation could be obtained has been followed. The committee believes that its inquiry has developed all the facts that can be produced and that any further investigation would lead to the same conclusions as have been herein set forth.

We therefore unanimously recommend that H. Res. 446 do lie on the table. The committee has made similar recommendation with reference to H. Res. 420 and H. Res. 429, and its action in that regard is based upon this report.

House resolution 446 (H. Rept. No. 1580).

Resolved, That a committee of five Members be appointed by the Speaker of the House to investigate and make report as to whether any person connected with the executive or legislative branches of the Government of the United States has since March 4, 1915, profited financially either directly or indirectly by the fluctuations in the stock market by reason of any advance information as to any action by the executive or legislative branches of the Government; and for such purposes it shall have power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time.

Mr. HENRY, from the Committee on Rules, submitted the following report: The Committee on Rules, to whom was referred H. Res. 420, having duly considered the same, beg to report it back to the House, with the recommendation that it do lie on the table.

House resolution 420 (H. Rept. No. 1581).

Resolved, That a committee of five Representatives be appointed by the Speaker of the House to investigate and make report as to whether or not anyone high in the administration of governmental affairs in the United States, or any relative of anyone high in authority in the administration of governmental affairs in the United States, profited financially, either directly or indirectly, by the fluctuation in the stock market occurring on Thursday, December 21, 1916, following the two contradictory interpretations given to the public from the office of the Secretary of State concerning the note of the President of the United States dated December 20, 1916, to the belligerent powers.

Mr. HENRY, from the Committee on Rules, submitted the following report: The Committee on Rules, to whom was referred H. Res. 429, having duly considered the same, beg to report it back to the House, with the recommendation that it do lie on the table.

House resolution 429 (H. Rept. No. 1582).

Whereas Thomas W. Lawson, of Boston, gave to the public a statement which appears in the daily newspapers under date of December 28 and 29, 1916, in which he says, amongst other things, that "If it was actually believed in Washington there was to be a real investigation of last week's leak there would not be a quorum in either the Senate or House next Monday and a shifting of bank accounts similar to those in the old sugar investigation days"; and in another statement which appears in the daily press of December 31, 1916, he says, "The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty"; and Whereas the statements of the aforesaid Thomas W. Lawson, and each of them, affect the dignity of this House and the integrity of its proceedings and the honesty of its Members:

Resolved, That the Speaker appoint a select committee of five Members of the House and that such committee be instructed to inquire into the charges made by the aforesaid Thomas W. Lawson, and for such purpose it shall have power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time.

ASSOCIATE JUSTICES, SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5788, to disagree to the Senate amendments, and to ask for a conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill

H. R. 5788, to disagree to all Senate amendments, and ask for a conference.

Mr. STAFFORD. Reserving the right to object, what is the bill?

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman inform the House in a general way the scope of the Senate amendments?

Mr. WEBB. Mr. Speaker, the Senate added two judges to the court of appeals in the District and we do not agree to their action, and will not agree to the amendment.

Mr. STAFFORD. We have the assurance of the gentleman he will never agree either to two or one?

Mr. WEBB. We passed a bill to create two associate justices of the Supreme Court of the District of Columbia, and the Senate added two new judges for the court of appeals.

Mr. MONDELL. Do I understand the gentleman, no district judge no matter how badly they are needed?

Mr. WEBB. I would not agree for these two, as our committee has not considered the need for them.

Mr. FITZGERALD. They also put in this bill a district judge in Tennessee.

Mr. WEBB. And we will not agree to that amendment.

Mr. STAFFORD. Was there any additional judge provided besides those indicated?

Mr. WEBB. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD.

FLOOD CONTROL.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to take from the Speaker's desk the bill (H. R. 14777) and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 14777) to provide for the control of the floods of the Mississippi River, the Sacramento River, Cal., and for other purposes.

The Senate amendments were read.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move the previous question—

Mr. BENNET. Mr. Speaker, it will require a quorum, I am frank to say. I am not personally opposed, but there are men on our side opposed, I think, to it.

The SPEAKER. The gentleman from Mississippi moves to agree to the Senate amendments.

Mr. HUMPHREYS of Mississippi. I move the previous question.

Mr. BENNET. I want to be very frank—

Mr. HUMPHREYS of Mississippi. The gentleman does not object to the previous question?

Mr. BENNET. I object to everything.

Mr. HUMPHREYS of Mississippi. Then I will withdraw the request.

EXTENSION OF REMARKS.

Mr. KEATING. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the Record on Gen. Fred. Funston.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, the sundry civil appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20967, which the Clerk will report by title.

The bill was reported by title.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF STANDARDS.

Testing of large scales: For investigation and testing of railroad track scales, elevator scales, and other scales used in weighing commodities for interstate shipments and to secure equipment and assistance for testing the scales used by the Government in its transactions

with the public, such as post office, navy yard, and customhouse scales, and for the purpose of cooperating with the States in securing uniformity in the weights and measures laws and in the methods of inspection, including personal services in the District of Columbia and in the field, \$40,000.

Mr. TILSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TILSON: Page 166, after line 19, insert a new paragraph, as follows:

"To enable the Bureau of Standards to cooperate with the War Department, the Navy Department, and the Council of National Defense in the standardization and testing of the gauges, screw threads, and standards required in manufacturing throughout the United States and particularly those used in the manufacture of munitions of war; and to calibrate and test such gauges, screw threads, and standards, including necessary equipment, office expenses, and personal services in the District of Columbia and in the field, \$50,000."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. TILSON. Mr. Chairman, in the marshaling of our industrial resources for the purposes of national defense, there is no other factor of such tremendous importance as that of standardization. In order that this work may be done thoroughly we should give special attention to the Bureau of Standards, which is the place in which this work should have its center. I have therefore proposed this amendment, which proposes a modest appropriation of \$50,000 for making a beginning toward securing the necessary instruments and for building up and training of the personnel necessary to do this great work of standardization.

Mr. FITZGERALD. Which is absolutely unnecessary.

Mr. TILSON. I believe differently. I believe it is a most necessary work and the experience of other nations that have been tested in the supreme test of war has been quite contrary to the statement of the gentleman. I believe that we should find it of supreme importance if we were called into an emergency.

Mr. FITZGERALD. I assume that the gentleman from Connecticut believes this to be important, but the fact is that all of these gauges and tools of various character are already in use in the arsenals of the Government. And the purpose is to furnish to various manufacturing concerns duplicates. The standard has already been fixed; the character of the tool determined upon. All that is necessary is to manufacture it. The Ordnance Department, which is a very well equipped and organized bureau of the War Department, never had any desire or made any suggestion that this was essential or important. I know, of course, like all others in the Government service, if some one will suggest a new way, some new means, some new method, some new channel for money to escape from the Treasury to any person employed in the Government service, they immediately commence it.

Mr. TILSON. Will the gentleman permit me a word in my own time?

Mr. FITZGERALD. Yes. I will be glad to permit the gentleman to use his own time with a word or two.

Mr. TILSON. On subjects generally, especially those concerned with his own committee, the gentleman from New York is, as a rule, particularly well informed. I am sorry that in this matter the indications are plain from what the gentleman says that he has not entirely grasped the greatest problem with which the War and Navy Departments are just now beginning to wrestle. The new council of defense that has been called in, which, by the way, I regard as one of the most promising steps thus far taken in the direction of national defense, has just begun a very hopeful consideration of this subject. I am sure that if the gentleman had gone into the subject as some of this council are doing, and as some of the rest of us have done, he would see the importance of it.

Mr. FITZGERALD. Let me ask the gentleman a question. Does the Council of National Defense and the Bureau of Ordnance of the Navy Department and the Bureau of Ordnance of the War Department believe this is a very important matter?

Mr. TILSON. They know that the matter of standardization is a very important matter.

Mr. FITZGERALD. Do they believe this particular matter is a very important one?

Mr. TILSON. Whether they would present this particular amendment I do not know, but the purpose to be served by this amendment, I am quite sure, is in accord with what is uppermost in the minds of officers in the Ordnance Departments of both the Army and the Navy.

Mr. FITZGERALD. I am not so much interested in what is in their minds as I am in knowing whether this work is of such an important and essential character that these bureaus

and this board, or council, think it of a very imperative character.

Mr. TILSON. I make this prophecy before my time expires, that before another year comes around the gentleman from New York [Mr. FITZGERALD] will be joining hands with me in making a much larger appropriation than this for the same purpose and will be reproaching himself that we did not begin earlier to do something to start the work along the same line.

Mr. FITZGERALD. It may be so. I hope I will learn from time to time, but I have to be convinced before I move.

Mr. TILSON. That is the ground of my prophecy. I believe the gentleman is willing to learn, and when he does learn he will agree with me in this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that I may extend my remarks on this subject and also add as a part of my remarks a letter received from the Acting Chief of Ordnance on the subject of gauges at the Frankford Arsenal.

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON] asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. In pursuance of the leave just granted, I shall add a very brief statement on the subject of the amendment offered by me.

In order that the shells, rifles, gun mounts, aircraft, and other matériel appropriated for by Congress in following out the policy of military and naval preparedness, shall be reliable and effective, it is imperative that those made in accordance with the gauges and screw threads used at one plant under dimensions established by the standards at that plant shall be interchangeable with those made at other plants. Moreover, it is essential that all of these tools and standards be inspected and tested at some central establishment or be compared with standards emanating from some central establishment. The Bureau of Standards should be that place.

The failure of manufacturers to realize the necessity for this standardization at the beginning of the present war resulted in great delay and in huge industrial waste at a time when waste of either time or money was nothing short of disastrous. Even at this date the lack of proper standards and the establishment of proper tolerances for gauges, screw threads, and similar instruments of industrial manufacture is a major factor in causing costly delays and rejections of manufactured material. Reports of these delays and failures are frequently published in the press, and urgently suggest that provision be made at the earliest possible moment for a thorough investigation by our Government of the causes of and remedy for these difficulties by a staff of thoroughly trained technical experts. It is stated that Canada alone, which has not by any means completed the mobilization of her industries, has 50 men engaged in the inspection and testing of gauges, master standards, and the like. For these reasons it is of the utmost importance that the Bureau of Standards be at once prepared to meet promptly the demands of the Army, the Navy, and private manufacturers supplying munitions, aeroplanes, trucks, and other war materials to this Government. For this purpose the bureau should be enabled to prepare itself to cope with the situation relative to gauges and standards in this country and abroad, and to acquire apparatus and organize the force necessary to handle this important work with accuracy and dispatch.

The letter above referred to is from the Acting Chief of Ordnance, in which he quotes quite freely from a communication from the commandant of the Frankford Arsenal. The letter and the communication from Frankford Arsenal were written in connection with an estimate for a storehouse at the arsenal. An amendment providing for such a storehouse was offered (at the proper place in this bill) by the gentleman from Pennsylvania [Mr. MOORE], but went out on a point of order. However, the situation as to gauges is so well expressed in this letter and it throws such light on the subject of my amendment that it is inserted here:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 24, 1917.

Hon. JOHN Q. TILSON,
House of Representatives.

DEAR SIR: In compliance with your verbal request of this date, and in accordance with verbal instructions of the Secretary of War, the following information is furnished concerning the estimates submitted by this department for a proposed general storehouse at the Frankford Arsenal.

This item appears on page 532 of the Book of Estimates for 1918, under the heading "Frankford Arsenal, Philadelphia, Pa.," and reads as follows:

"For a general storehouse, \$135,000."
The reasons for the submission of this estimate are given on pages 264, 265, and 266 of the printed hearings before the subcommittee of

the House Appropriations Committee having charge of the sundry civil bill. In further reference to the necessity for this building the commanding officer of the Frankford Arsenal states as follows:

"I am inclosing you a blue print of the central part of the manufacturing plant, and on it you will see the proposed location for the general storehouse in proximity to the railroad track. You will see also in the upper left-hand corner the present main stock building, which is far from the railroad track and involves hauling of all materials, by wagon transportation, which are stored therein. The proposed general storehouse would be large enough to supersede at least five smaller storehouses throughout the arsenal. These smaller storehouses always involve the presence of men therein for receiving and issuing purposes, whereas the general storehouse would have a much less number of employees to provide for issuing and receiving.

"The above are substantially the reasons given to the Chief of Ordnance when I submitted this estimate. I made reference, however, to the importance of having a central tool room for the manufacture of gauges. At the time I submitted the estimate the gauge situation had not appealed to me as it does now, and in fact I did not realize the importance of it.

"The gauge situation is a big proposition. Drawings are indispensable in the manufacture of munitions of war, but gauges are the means employed in every shop to insure compliance with these drawings. Gauges are also the means employed to insure interchangeability of parts when several plants are employed on the production of the same article, whether a fuse, a projectile, or a submarine. This is the great advantage that gauges have and indispensable if we are called upon to produce the same article by utilizing several factories for the purpose. Such a course is the very one contemplated in mobilizing the industries of the country for production of munitions of war.

"But there is very little use in procuring gauges if we have, first, no place to receive and store them; second, to keep them up to date; and, third, to provide for their issue. While the Frankford Arsenal has expended over six months in preparing designs of gauges to provide for the manufacture of artillery ammunition and small-arms ammunition, and it has been the intention to largely place on this arsenal the purchase of munitions of war, it follows that adequate accommodation must be obtained, as stated above, in connection with this gauge situation.

"For the proper inspection of gauges there must be a laboratory with the finest kinds of measuring tables and instruments, such as surface plates, measuring machines, angle and lead testing devices for thread gauges, micrometers, and vernier gauges. This laboratory should be located where a uniform temperature is obtained, so that the errors of measurement due to expansion may be reduced to a minimum.

"We must also have suitable storage receptacles to provide for taking care of such valuable gauges and to provide for their prompt issue when the gauge demands it. As drawings are revised from time to time these gauges will need correction or replacement, and, consequently, there will be in charge a staff of skilled men familiar with the gauge proposition and with the articles which they are expected to gauge. This means that a small tool shop will be located near these gauges to provide for these corrections and replacements when made in small quantities.

"There is absolutely at the Frankford Arsenal to-day no place whatever for carrying out the purposes for which Congress has made appropriations for gauges.

"It has been generally accepted that the appropriation will be made for the general storehouse, and on its completion it was the intention to utilize the present main stock department building, which is an isolated building, for receiving, inspecting, issuing, and storing gauges and providing for their correction and replacement. The lack of storage room at this arsenal is one of the most serious propositions that we have to contend with, and there is no way of taking care of the gauge situation unless this appropriation is made, except by storing them in various buildings throughout the arsenal—an impossible proposition for it would mean loss of control of them, no inspection whatever, and the greatest difficulty to keep them up to date."

Respectfully,

E. B. BABBITT,
Colonel, Ordnance Department, United States Army,
Acting Chief of Ordnance.

Mr. MANN. Mr. Chairman, I would like to make an inquiry of the gentleman from New York [Mr. FITZGERALD]. I know the gentleman desires to proceed with this bill in the effort to finish it to-night. A great many Members would like to know if there is likely to be a roll call on any matter connected with the bill?

Mr. FITZGERALD. I think there will be a roll call on the bill.

Mr. MANN. Not to-night?

Mr. FITZGERALD. I hope so.

Mr. MANN. We might as well reach an understanding that there will not be any roll call to-night.

Mr. FITZGERALD. Well, I do not wish to do that. I want this bill passed to-night.

Mr. MANN. I am perfectly willing that the bill should be passed to-night without a roll call.

Mr. FITZGERALD. It can not be passed without a roll call.

Mr. MANN. Well, it can not reach the roll call that the gentleman wants to-night, in my judgment.

Mr. FITZGERALD. Well, I do not know. We can not, if a majority of the House declines to give it.

Mr. MANN. The gentleman knows there are a good many amendments to the bill.

Mr. FITZGERALD. This is the middle of the last week of the session. This bill ought to be finished to-night and sent to the Senate.

Mr. BORLAND. There is no need to have a roll call. The agreement was, when the amendment was adopted, that there should be no roll call.

Mr. FITZGERALD. The House has not adopted the amendment. There is a difference between the House and the committee.

Mr. MANN. The House has not adopted the amendment.

Mr. FITZGERALD. I have notified all gentlemen who have spoken to me that there would be a roll call to-night. Gentlemen ought to be here. I have something to do to-morrow. I have to prepare a deficiency bill. Unless we get these bills through we can not finish our work.

Mr. MANN. I understand.

Mr. FITZGERALD. If the deficiency bill is not reported to the House until Thursday, it can not be taken up until Friday or passed until Saturday. Then there would likely be an extra session.

Mr. TILSON. Mr. Chairman, what has been done regarding the point of order?

The CHAIRMAN. The gentleman from Connecticut inquires about the point of order. Does the gentleman from New York insist on the point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. FITZGERALD. I stated to a number of gentlemen who inquired about this bill that I expected to complete it to-night, and that a roll call would be had when it was passed. This is the last week of the session, and three appropriation bills are still undisposed of by the House, and Members ought to know that they have to stay here and work at night.

Mr. MANN. This is the situation: I assume that the bill is not yet engrossed. If the gentleman would reach that point where he could get the previous question ordered to-night on the bill and amendments, the engrossing clerk could proceed to engross it. That is all he could do. If you would not have it engrossed until to-morrow morning and send it to the Senate, in any event you would not expedite it at all, so far as having it sent to the Senate is concerned, by getting a roll call to-night.

Mr. FITZGERALD. We may know what is going to happen. Notice has been served on me that we will probably have to have an engrossed copy of the bill. It may not be necessary if we get it through to-night.

Mr. BORLAND. Let us make hay while the sun shines, and get it through to-night.

Mr. FITZGERALD. The gentleman need not think he is going to get that \$400,000 appropriation for his foolish investigation, unless the House votes it into the bill on a roll call.

Mr. BORLAND. The gentleman presented his side very fully to the House.

Mr. FITZGERALD. I am not complaining.

Mr. MANN. I think the gentleman ought to be willing to be fair on Tuesday night.

Mr. FITZGERALD. I have announced what I want to do. The responsibility of anything else happening is on the Members. It does not make very much difference to me personally whether we finish the work of the Congress or not. I will not be greatly embarrassed by staying here.

Mr. MANN. There will not be any difficulty about finishing the work of Congress. The gentleman ought to be reasonable in his treatment of the Members.

Mr. FITZGERALD. Several bills still have to pass through the House; the Military Academy bill, and the general deficiency bill, and this bill.

Mr. MANN. We have five days theoretically, and four days actually, besides the nights.

Mr. FITZGERALD. I propose to get a quorum here to-night and have a vote on this bill and pass it.

Mr. MANN. The gentleman will not pass the bill to-night. I think when the gentleman goes and gets his dinner he will feel differently about it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Commerce to acquire, by condemnation or otherwise, about 155,400 square feet of additional land for enlargement of the present site of the Bureau of Standards, \$25,000, or so much thereof as may be necessary, the land to be acquired hereunder being described as follows: First, starting at the northwest corner of the present site of the Bureau of Standards on Idaho Avenue and running about 98 feet northeast along Idaho Avenue to Van Ness Street; thence about 908 feet due east along Van Ness Street to a point intersecting a line formed by extending the eastern boundary line of the bureau's present site; thence about 83 feet due south to the northeast corner of the present site of the Bureau of Standards; thence about 961 feet due west to the point of starting at Idaho Avenue, including about 77,600 square feet; second, starting at the point of intersection of the southern boundary of the present site of the bureau with the northern

side of Tilden Street, proceeding due east about 750 feet to the southeast corner of the present site; thence due south about 153 feet along a line formed by the extension of the eastern boundary of the present site to the point of intersection of that line with the northern side of Tilden Street; thence about 768 feet in a general westerly direction following the line of the northern side of Tilden Street to the point of starting, including about 77,800 square feet.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Where is this land that is connected with the present site of the Bureau of Standards?

Mr. FITZGERALD. There is one piece on the north side of the land going out toward Connecticut Avenue.

Mr. MANN. Connecticut Avenue runs northeasterly.

Mr. FITZGERALD. A new street has been opened. The Director of the Bureau of Standards requested that the street be opened through land adjoining the site of the Bureau of Standards. The District Commissioners decided to open the street somewhat on the north, so as to leave a strip between the street and the Bureau of Standards. On the south there is another strip between the boundary line and the street that has been opened.

Mr. MANN. There is a roadway now running from Connecticut Avenue to the Bureau of Standards.

Mr. FITZGERALD. A street has been opened a little north of the line of the Government property, so that there is a strip left in between the street and the Bureau of Standards property. It is desired to acquire that. Then on the south side there is another street to be opened, and there will be a little tract between that street and the boundary line of the present property.

Mr. MANN. Is this to acquire the land for streets, or is it intended to put buildings on the land afterwards?

Mr. FITZGERALD. It is not designed to have any buildings on that tract, on those two sides. Of course, there is a very considerable piece of property on Connecticut Avenue up to the boundary line of the Bureau of Standards. Some years ago, when additional property was acquired, members of the committee visited the bureau and determined how far the property should be brought to Connecticut Avenue. But this is on the upper and lower ends, where these pieces will be left, and it is believed that if they are built upon they will be so close to the present buildings that they might possibly interfere with the work of the bureau.

Mr. MANN. They did not think that when they acquired the site in the first instance. They did not have that fear when they first acquired the site, did they?

Mr. FITZGERALD. No. It was hoped that the street to the north would be opened along the line of the property itself.

Mr. MANN. Is it not going to be opened along that line?

Mr. FITZGERALD. No. It is to be opened a little to the north. I do not remember how many feet there are in there; perhaps 40 or 50.

Mr. MANN. What could anybody do with 40 or 50 feet there?

Mr. FITZGERALD. It is 80 feet.

Mr. MANN. And this is to acquire that 80 feet between the present site between the Bureau of Standards and where this new street is intended to be?

Mr. FITZGERALD. On the north side it will be 80 feet from the boundary to the street. On the south side the road will be in a somewhat curved direction and the property will be of varying width. It seems a desirable thing to run out the property to that extent.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For underpinning and new piling for ferryhouse, \$10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Here is a series of items amounting to \$321,000 on account of improvements to the immigration station at Ellis Island. They are always adding to Ellis Island. The immigration has stopped.

Mr. FITZGERALD. The buildings at Ellis Island are worth in excess of \$10,000,000.

Mr. MANN. I should think they would have enough to take care of all the immigration coming in now; there is very little.

Mr. FITZGERALD. A good many less than there have been; but these items as explained seem to be essential, and after examination into them the committee carefully considered and recommended that they be inserted. A considerable number of pipes in the heating system have been entirely destroyed; boilers in the boiler house are 20 years old and have worn out; and the piling under the ferryhouse has all rotted away. And then other items that seem to be of a very important character are necessary for the preservation of present property.

Mr. MANN. I would like to inquire of the gentleman in connection with this matter in reference to the quarantine station. There has been recently a suggestion from the Secretary of the Treasury for an appropriation of one million and a quarter dollars to acquire the quarantine station at New York from the State of New York. I notice that it is not included in the bill, and I do not know whether it would be in order in this bill. Has the matter been taken up by the committee?

Mr. FITZGERALD. It has not been taken up by the committee. The State of New York passed an act authorizing the transfer of the quarantine station in New York to the Government for \$1,400,000, and the State officials are very anxious to transfer it and get the money. The Secretary of the Treasury has made an agreement with the State under a law which authorizes him to do so, to take it over. The other day we received a communication from the Secretary of the Treasury asking that \$1,400,000 be appropriated to take over the plant and \$275,000 to maintain it. After the experience we had in taking over the plant at Boston about two years ago the committee, I am inclined to believe, will wish for some comprehensive detailed information as to what the Government is to get for the \$1,400,000.

Mr. MANN. The arrangement with the State of New York, as I recollect it, was to be made if the Government should take the property before the 1st of July.

Mr. FITZGERALD. That is the arrangement, but they will be glad to transfer it after the 1st of July.

Mr. MANN. I apprehend that if the State of New York reached the point where it was willing to relinquish the patronage connected with the quarantine station, it would be perfectly willing to have the Government pay a large sum for the property there and the Government pay the running expenses which the State now pays. You would think that they would be willing to give the property to the Government if the Government would maintain it. They would by doing that save two or three hundred thousand dollars a year.

The Clerk read as follows:

IMMIGRATION SERVICE.

For enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, \$2,450,000: *Provided*, That the purchase, use, maintenance, and operation of horses and motor vehicles required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia may be contracted for and the cost thereof paid from the appropriation for the execution of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than \$12,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles: *Provided further*, That no part of the sum hereby appropriated shall be expended for the maintenance at any United States immigrant station of any of the privileges now disposed of after public competition as provided by the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States."

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 170, strike out lines 6, 7, and 8 and insert in lieu thereof the following: "fifth, 1917, entitled 'An act to regulate immigration of aliens to, and the residence of aliens in, the United States.'"

Mr. FITZGERALD. The immigration act that we passed the other day contains the same provision somewhat more comprehensive and we wish to describe the provisions in that act.

Mr. MANN. Mr. Chairman, it seems to me rather remarkable that with almost a total failure of immigration at the present time they should still want \$2,450,000 for the Immigration Service. How many are coming in now?

Mr. FITZGERALD. More than 350,000.

Mr. MANN. Oh, so; not that many coming in now.

Mr. BENNET. At an annual rate of 250,000.

Mr. FITZGERALD. Last year over 350,000, and my recollection is that the statement is made that it is now at a rate of over 350,000.

Mr. MANN. At present I think there are none coming in.

Mr. BENNET. The gentleman is mistaken about that.

Mr. MANN. Well, a very few.

Mr. FITZGERALD. They are coming from Canada and Mexico and other places besides Europe.

Mr. MANN. Not many coming from Mexico.

Mr. FITZGERALD. There are a great number.

Mr. MANN. And not many from Canada.

Mr. FITZGERALD. The gentleman is mistaken; they are coming from both countries.

Mr. MANN. They are not coming from either place. I have taken the trouble to look it up. But suppose there were 300,000, why do they need so large an appropriation? Now, why does it require so much money to continue? Of course I know they have got to watch the Mexican border for Chinese.

Mr. FITZGERALD. One reason is because they are using the money for purposes other than were contemplated. The figures show that during the six months ending December 31, 1916, the first six months of this fiscal year, there were 231,214 immigrants who came in. At that rate there will be over 460,000 this year.

Mr. MANN. They are not coming in at that rate now.

Mr. FITZGERALD. They have been.

Mr. MANN. Oh, they were before this German trouble broke out, but they are not now.

Mr. FITZGERALD. They were not all coming from Europe.

Mr. MANN. Where do the most of the immigrants come from?

Mr. FITZGERALD. Some of this money has been utilized in the establishment of employment agencies. And not only does the department want what is recommended in this bill, but it asks for several hundred thousand dollars additional.

Mr. MANN. What are they going to do with the money?

Mr. FITZGERALD. Spend it. They opened a large number of employment agencies throughout the United States. There is a provision in the immigration law which authorizes the Department of Labor to establish a division of information, I think it is called, and by correspondence to arrange for the distribution of aliens throughout the United States. Under that authority the department established general employment agencies in a number of large cities and detailed to those agencies employees whose annual compensation aggregated \$135,000.

Mr. MANN. That has nothing to do with immigration.

Mr. FITZGERALD. Once in a while an immigrant applies, but the great bulk of those who are served by these agencies are not immigrants, and there was no authority whatever to do the work that was done.

Mr. MANN. The gentleman does not explain why they need \$2,450,000, and they will not explain why they need it, and they spend it with practically no immigration coming in at the present time, and not likely to be any this summer.

Mr. FITZGERALD. The situation on the Mexican border requires a very large number of additional employees. It is difficult to patrol the border. It is stated that efforts are being made by aliens to come into the United States without inspection or without submitting to the inquiries required by law, and it has been necessary to detail a very large number of inspectors there who, under normal conditions, would be on the seaboard.

Mr. MANN. But down on the Mexican border there must be fewer Chinese coming across than under normal conditions.

Mr. FITZGERALD. It is not for the Chinese. It is for the other aliens.

Mr. MANN. They have been guarding the Mexican border to catch Chinese. There can not be very many Chinese coming through the Villa camps.

Mr. FITZGERALD. Not Chinese, but Mexicans.

Mr. MANN. A few Mexicans get run over by one side or the other down there, and we feed them awhile and send them back. The Immigration Service has little to do with that.

Mr. FITZGERALD. I was under the same impression as the gentleman from Illinois. In 1916 the amount of money spent was \$2,436,000. It seemed to me that with the great falling off in immigration it was possible to reduce this appropriation; but ever since we have carried \$2,450,000, instead of \$2,650,000 which was not expended one year, the department have been clamoring and insisting that the appropriation is grossly inadequate. Indeed, for the fiscal year 1917, if I recall correctly, the department asked for \$2,650,000; and listening to the explanations made, I assure the gentleman he would be quite convinced that they need every penny they ask.

Mr. BORLAND. Mr. Chairman, I do not think the amount asked by the Immigration Service is justified. No evidence was presented before the committee that convinced me that there was any possible justification for an appropriation of \$2,450,000 for this service. The truth is that two things are wrong with the Immigration Service. In the first place, they are overmanned

for the existing amount of immigration, and, in the second place, they have got an extraordinarily high pay roll. It is the highest pay roll in the Federal service. There is nothing like it anywhere else. Even assistant telephone operators are put down at \$1,200 a year. I have never seen such a pay roll. Then they are not able to use all of these people under present conditions in the Immigration Service, and they have \$135,000 worth of them running these employment agencies that they have no legal justification for running. They say they are run under a kind of general welfare clause of the organic law of the Department of Labor. They do not claim that this service is restricted to placing immigrants who are desiring service, but anybody, citizens or otherwise, who applies at one of these employment agencies is taken care of—is furnished with a blank. Whatever else is done for him does not appear. Now, it seems that these employment agencies are always located in towns where the State has an employment agency, and they say they cooperate with the State employment agency. The people who apply at the State agency are sent to them. That is the species of cooperation that takes place.

There ought to be a cut of at least half a million dollars in the expense of the Immigration Service, and yet on the face of the evidence we could not find any place where the amount could be cut. I take it that by another year, if the new immigration law goes into effect and there is a greatly restricted and reduced immigration to this country, these overhead charges ought to be readjusted to the smaller scope of the Immigration Service.

Mr. BENNET. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. BENNET. I think the gentleman is one of those who, in order to be consistent, voted against the recent immigration bill which increased the head tax from \$4 to \$8.

Mr. BORLAND. Yes; I did.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I can not say that I am entirely persona grata at the Bureau of Immigration at present, but I do think that a word or two ought to be said as to what they do with this money.

In the first place, I can not entirely agree with the gentleman from Missouri [Mr. BORLAND] that the people in the Immigration Service are too highly paid. I do not think they are. One of the things that this administration possibly is entitled to credit for is the fact that they did away on Ellis Island with laborers at \$50 a month and increased them to a proper wage, I think largely at the suggestion and with the cooperation of my friends and colleagues from New York, Mr. DALE and Mr. RIORDAN. At any rate it was done, and the bureau is entitled to credit for it. The other salaries throughout the department are along what you might call the standard. There are inspectors at \$900 a year and inspectors all of the way up to \$2,500 a year. There are clerks at the usual salaries. Of course, Ellis Island, the place with which I used to be the most acquainted, requires a good many people. There are something like 500 employees there, and the number is not greatly affected by the rise and fall in immigration. The buildings are there and they have to be cared for, they have to be heated, they have to be cleaned, and the detention rooms have to be policed, and the addition of five or six hundred thousand immigrants, although that is a good many, does not necessarily greatly increase the force. Then, at a time like this, with comparatively slack immigration, the department carries out another very valuable provision of the law. They send these inspectors all over the country, and they inspect the jails and asylums, and they look up people who are not proper charges on the United States Treasury; and they provide for sending them home. In that way work is done during slack immigration that can not be done at other times. Just at present they have additional work along the Mexican border. I am frank to say that I do not know the exact length of the southern boundary of Arizona, New Mexico, and Texas; but it is long, and if the gentleman from Texas [Mr. DAVIS] will give me his attention he probably could tell me how long the southern boundary is. The Chairman [Mr. GARNER] informs me that it is 1,800 miles. That has to be guarded and guarded very strictly. Then lower California, curiously enough, has never had much trouble in the Mexican revolution, but it is through lower California that the Japanese immigration comes, and they also use these men to enforce the neutrality laws along the Canadian border. I think that the gentleman from Missouri [Mr. BORLAND] would have more or less difficulty in finding out where he could cut off half a million dollars from this appropriation.

Mr. BORLAND. Mr. Chairman, the gentleman has overlooked one activity, and that was calling the meeting of the immigration inspectors at the World's Fair in San Francisco in 1915.

Mr. BENNET. That was last year. I do not defend that. It sounds to me very much like a junket to give these immigration authorities a couple of months' vacation and expenses to San Francisco. There is no exposition there now. I thought the department ought to have a word or two said in its behalf, and although my present relations with it are what you might call strained, I am very glad on account of the knowledge I have of it to give some justification for this appropriation.

Mr. HAWLEY. Mr. Chairman, how many Chinese were found to be in the United States unlawfully last year?

Mr. BORLAND. Mr. Chairman, I regret that I can not give the gentleman any information.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer an amendment as a new paragraph to come after the one just passed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 8, page 170, insert as a new paragraph the following: "For daily newspapers, magazines, books, story books, and cut-out books for the use of immigrants and their children detained at various stations, \$1,000."

Mr. BORLAND. Mr. Chairman, on that I make the point of order.

Mr. BENNET. The point of order would not lie against it.

Mr. BORLAND. There is no authorization of law for that expenditure for story books, and so forth.

Mr. BENNET. I think there is in the basic act.

The CHAIRMAN. The gentleman from New York will present the law to the Chair. The burden is upon him.

Mr. BENNET. Mr. Chairman, then I ask unanimous consent that this be passed over temporarily until I can do that.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Chairman, I would ask the committee to put into the Record the number of Chinese found in the United States unlawfully during the past fiscal year, in what parts of the United States they were found, and the proportion of men and women.

Mr. BORLAND. I will say to the gentleman from Oregon that the Clerk informs me that that is to be found in the report of the Commissioner of Immigration and it is possible that we can have that for him in a short time.

The Clerk read as follows:

For refund to National Steam Navigation Co. of Greece for amount erroneously paid for hospital maintenance of Constantino and Effilna Panagiotopoulou, American citizens, \$108.75.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is it this item proposes to do?

Mr. BENNET. I think I can tell the gentleman. Under a decision of the circuit court of appeals—

Mr. MANN. Oh, I did not ask about a decision. What does the item propose to do?

Mr. BORLAND. It shows in the hearings that these two passengers—

Mr. MANN. What two?

Mr. BORLAND. Two Americans, with good American names, to be found in lines 14 and 15.

Mr. MANN. Oh, no; that does not go. I think the gentleman ought to be willing to give a fair answer to a question. What is it that the item proposes to do?

Mr. BORLAND. It proposes to acknowledge that these two people are American citizens.

Mr. MANN. "These two people" do not mean anything to me.

Mr. BORLAND. It is perfect evidence to the gentleman that they are American citizens when he reads their names.

Mr. MANN. That does not make any difference. Who are they? The gentleman from New York offered to answer. Who are they?

Mr. BORLAND. They are Constantino and Effilna Panagiotopoulou.

Mr. MANN. Oh! [Laughter.]

The Clerk read as follows:

For refund to the United Fruit Co. of amount erroneously paid as a penalty for nonmanifesting of two American citizens, \$20.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of commending the committee on their discretion in leaving out the names of these two Americans.

The CHAIRMAN. Does the gentleman desire recognition?

Mr. BENNET. I have made my speech.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of Labor is authorized to pay not to exceed \$3,741 from the unexpended balance in the appropriation "Expenses of regulating immigration" for the fiscal year 1915, for horse and motor vehicle service furnished by officers of the Immigration Service prior to April 1, 1915, when such allowances were discontinued.

Mr. MANN. I reserve a point of order on the paragraph. I think we should have some explanation. It is a claim, pure and simple. Why does it come in here?

Mr. MONDELL. They are all claims.

Mr. MANN. The gentleman says they are all claims. These others are different, being for money erroneously collected.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. I reserve the point of order, Mr. Chairman.

Mr. BORLAND. It seems that certain expenses had been incurred by the officers of the Immigration Service for horse and motor-propelled vehicles prior to the passage of the law by which we required those expenses to be specifically appropriated for. And while this might be technically called a claim, yet it is an expense that was authorized prior to the passage of the law, and would now be authorized by special appropriation under these items. It is just simply a matter of justice in clearing their account.

Mr. MANN. Well, I do not understand that it is clearing anybody's account.

Mr. BORLAND. Yes. It is a commutation for automobile maintenance that we provided in 1915 the appropriation could not be used for. The hearings state:

That is the payment of so much per diem for the hiring of an automobile—

Mr. MANN. Whom does the money go to?

Mr. BORLAND. It goes to the officials who made the expenditure.

It was held that we could not commute the service in adjusting the matter on the basis of a flat sum per diem; in fact, that we could not pay for automobile service at all, under the inhibition of law as it then existed. Since that time you have authorized us to arrange for automobile maintenance, but that does not take care of these cases, where officers in our service, in good faith, furnished automobile service during the first three months of the calendar year 1915 and before word could be gotten to them that the comptroller had decided against them.

And they had incurred certain expenses.

Mr. BENNET. In what part of the country was it?

Mr. BORLAND. This was on the border, where these automobiles are hired and employed.

Mr. BENNET. Why is not the position of the gentleman from Illinois [Mr. MANN] entirely correct that this is just simply and solely a claim?

Mr. BORLAND. I think technically the gentleman from Illinois may be correct, but inasmuch as this is simply a question of clearing the account of these men, this is the item in which the money would have been carried when it was originally authorized or would be carried if it was authorized now. It is just a question of its not having been authorized at the time the expense was incurred. I think the point of order ought not to be pressed for that reason.

Mr. BENNET. I am not going to be mean. I think the gentleman should not have pressed the point of order against me a moment or two ago. But are there not on the Private Calendar a good many bills for clearing the accounts of internal-revenue collectors, and postmasters, and officials of that sort that are on precisely the same level as this particular item?

Mr. BORLAND. Well, I will say to the gentleman that I do not and will not resist the point of order if he chooses to press it, but I am just presenting the merits of it.

Mr. BENNET. I am really trying to get the gentleman to convince me it ought not to be made, but so far he has not done so.

Mr. BORLAND. I have not attempted to argue the technical point at all.

Mr. MONDELL. Will the gentleman yield to me?

Mr. BORLAND. The matter ought to be cleared up at this time.

Mr. MONDELL. I know the gentleman from New York [Mr. BENNET], whose services the Nation is soon to lose and whose companionship we are so soon to lose with keen regret, ought not to go out of public service with the thought that he is keeping from these public officials the small sum that is due them.

Mr. MANN. Mr. Chairman, it was I who reserved the point of order. I am not going out.

Mr. MONDELL. The gentleman from Illinois, I imagine, is not going to insist on the point of order. The gentleman from New York talked as though he was.

Mr. BENNET. Oh, no.

Mr. MANN. The gentleman from New York talked as though I were.

Mr. BORLAND. I want to suggest to the gentleman from Illinois [Mr. MANN], also, that this amount is scattered among a number of different men and that it is probably divided into small amounts.

Mr. MONDELL. Many small sums.

Mr. BORLAND. And if it were divided up in the way of claims it would take more clerks, more printing, more expense in the end for the adjustment of them than to permit the amounts to be allowed at this time.

Mr. MANN. Let me see if I understand the situation. These are items for motor hire, which were incurred by the officials of the Immigration Service illegally, as the Comptroller of the Treasury afterwards thought?

Mr. BORLAND. Yes; and they were mostly on the border, where the men were not reached promptly, and some were incurred after the decision against them and before they were able to be informed of it.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

NATURALIZATION SERVICE.

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L., 37, p. 736), and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia: not to exceed \$5,300 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stat., p. 600), as amended by the act approved June 25, 1910 (36 Stat. L., p. 765): *Provided*, That the whole amount allowed for a fiscal year to the clerk of a court and his assistants from naturalization fees and this appropriation or any similar appropriation made hereafter shall be based upon and not exceed the one-half of the gross receipts of said clerk from naturalization fees during the fiscal year immediately preceding, unless the naturalization business of the clerk of any court during the year shall be in excess of the naturalization business of the preceding year, in which event the amount allowed may be increased to an amount equal to one-half the estimated gross receipts of the said clerk from naturalization fees during the current fiscal year: *Provided further*, That payment is authorized in the sum of \$272.10 for the services rendered during the month of May, 1916, by clerical assistants originally authorized by the Secretary of Labor where the disbursements for salaries were in excess of the amount lawfully allowable; and for mileage and fees to witnesses subpoenaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, \$275,000.

Mr. BENNET. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. ROUSE). The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 172, line 25, after the figures "\$275,000," add a new paragraph, as follows:

"For promoting instruction and training in citizenship of applicants for naturalization, including personal services in the District of Columbia, attendance at educational and citizenship conventions by officers and employees of the Bureau of Naturalization and members of its field force, and other necessary expenses incidental thereto, \$30,000."

Mr. BORLAND. Mr. Chairman, I make a point of order on that.

Mr. BENNET. Will the gentleman reserve his point for a moment?

Mr. BORLAND. Does the gentleman say he is persona non grata to the Immigration Service?

Mr. BENNET. Yes.

Mr. BORLAND. Then I will reserve the point of order on the gentleman's explanation.

Mr. BENNET. Of course, Mr. Chairman, the amendment is subject to a point of order. It was not suggested by myself, although I approve it. It was suggested by my colleague, Mr. SIEGEL, who will be here in a few minutes. Naturally, matters of this kind come closer to us in the large cities than to the Members from the rural districts. In the large cities we have a great many foreigners who are making a really pathetic attempt to become good American citizens. The money paid into the Treasury by immigrants in the last 12 or 14 years exceeds by over \$9,000,000 the amount spent by the Government on the immigrants, and it did seem to my colleague, Mr. SIEGEL—and I think he is right about it—that we could afford to pay, in a sense, out of the immigrants' own money, this comparatively small sum to assist them in one of the most important things that is being done in their behalf.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. MOORE of Pennsylvania. I do not know whether the gentleman has given consideration to the possible infringement of this amendment upon the work of the Bureau of Education.

Mr. BENNET. I do not think it is necessarily an infringement.

Mr. MOORE of Pennsylvania. The Bureau of Naturalization has been doing work of this kind, and has been active in recent months. A question has arisen whether it has jurisdiction over educational matters, and whether this is a proper function of the Bureau of Naturalization. Some time ago a large Americanization meeting was held in Philadelphia and addressed by the President. I think that meeting was called by the Bureau of Naturalization.

Mr. MANN. During the campaign?

Mr. MOORE of Pennsylvania. Yes; during the campaign. It was held at a time when the appearance of the President at the meeting was of interest to voters and those who were seeking suffrage in the United States.

Mr. BENNET. Pennsylvania went Republican.

Mr. MOORE of Pennsylvania. Yes; Pennsylvania went Republican, and New Jersey did also. New Jersey was the President's own State, but I did not intend to refer to that. I believe New Jersey gave to his opponent the largest majority ever given for a Republican presidential ticket. We might as well make a record of it now as at any other time, because our friends on the other side are liable to forget it.

But there is a question of possible trespass or infringement here. I have no objection to the Bureau of Naturalization training these citizens for the purpose of naturalization. When they do that they are doing good work. They have encouraged meetings, and at those meetings they have endeavored to interest these immigrants in questions affecting the laws of the country. They have tried to acquaint them with the Constitution of the United States and things of that kind, essential to naturalization.

How far that ought to go I do not know. We have the Bureau of Education, which is reaching out now with a view of covering the same ground.

But I am taking the gentleman's time. I merely wanted to know if he had considered these various phases of the question in connection with the amendment he has offered.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to have read from the Clerk's desk a letter of Secretary Wilson's, of the Department of Labor, which answers the gentleman's question better than I can. I ask unanimous consent that my time be extended for three minutes for that purpose.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The Clerk read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, December 20, 1916.

MY DEAR CONGRESSMAN: Your letter of the 18th instant, together with the inclosed copy of a set of resolutions adopted by the board of education of Lincoln, Nebr., has been received. You ask whether the department would favor the passage of a bill providing for the use of all surplus money derived from naturalization cases, above the appropriations of Congress for the administration of the Naturalization Bureau, for the uses mentioned in the resolution.

The department has requested an increase in the appropriation over that made for the present fiscal year in the legislative appropriation bill. It requested an increase in positions and compensation amounting to \$14,450. This represented increases for eight positions, including a chief clerk to the bureau. It also represented increases requested in the compensation of the Commissioner of Naturalization from \$4,000 to \$5,000, so that the compensation of the head of the Bureau of Naturalization would equal that of the other heads of bureaus of this department. It also requested an increase from \$3,250 to \$4,000 in the compensation of the Deputy Commissioner of Naturalization.

When the bill was reported to the House there were allowed but two positions additional. It is regretted that the entire estimate as submitted was not included in the bill at the time it was reported by the Appropriations Committee. In the sundry civil appropriation bill an item appears which carries with it the following, in addition to the usual matter:

"For promoting instruction and training in citizenship of applicants for naturalization, including personal services in the District of Columbia, attendance at educational and citizenship conventions by officers and employees of the Bureau of Naturalization and members of its field force, and other necessary expenses incidental thereto."

An increase of \$30,000 is submitted in this item over the current appropriation. This appropriation for the present year is \$275,000, making a total of \$305,000 requested for the fiscal year 1918.

The department appreciates this additional expression of interest which has been made by the Board of Education of Lincoln, Nebr. This city is only one of 882 cities and towns throughout the entire country which have cooperated with the Bureau of Naturalization by opening the doors of the schools, both night and day, for the special instruction of the candidates for citizenship. Aside from this special accomplishment the opportunity is present in most of these places, for the first time, for the adult foreign-born wage earner to secure the means for advancing his moral, mental, social, and political well-being.

The department is most anxious that this work shall receive the cooperation and support of the Congress in a like manner as it has of the public schools, and believes that the most practical good can be attained by securing the enactment of the estimates in the two appropriation bills before Congress.

While the department does not desire to have all of the surplus moneys which are derived from the naturalization fees appropriated solely because there is a surplus, it may in the near future submit some measure for further strengthening the cooperative work referred to in the resolution. The naturalization law is manifestly not intended to pay the current expenses of the Government, other than the expenses of the administration of that law, although at the present time such is the fact.

The exact amount of the accumulated fund at the end of the fiscal year June 30, 1916, was \$420,282.18.

Respectfully, yours,

W. B. WILSON, Secretary.

Hon. ISAAC SIEGEL,
Representative in Congress, Washington, D. C.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BORLAND. Mr. Chairman, the fact that New York and Pennsylvania and New Jersey went Republican in the last election is a very cogent argument showing the need of education in those States. It is the most powerful argument that has been presented for some time. [Laughter.]

But this appropriation bill is hardly the place to initiate a work of this importance, conceding that it is important. I shall have to insist on the point of order.

Mr. MONDELL. Mr. Chairman, I hope the gentleman will withhold his point of order for a moment. I would like to discuss this paragraph for five minutes.

Mr. BORLAND. This particular matter?

Mr. MONDELL. Yes.

Mr. BENNET. Mr. Chairman, before the gentleman proceeds, I would like to ask unanimous consent that the letter to my colleague from Secretary Wilson be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MONDELL. Will the gentleman from Missouri withhold?

Mr. BORLAND. Yes.

Mr. MONDELL. Mr. Chairman, this matter of the agitation for Federal aid in the education of aliens, particularly information in regard to duties of citizenship, is one of the finest illustrations we have had in a long time of the carefully and faithfully and widely stimulated demand for a Federal expenditure, and I say that merely as a statement of fact, without intending any criticism. I think this is a splendid work, and for one I am very glad that the Bureau of Naturalization has gone as far as it has in encouraging good citizens and municipalities and school districts to take up the work of educating aliens who are about to take their examinations for citizenship. More than 600 different municipalities and districts, as I understand it, have taken up this work, very largely at the suggestion of this bureau, and I imagine that every one of the 600 has appealed to some Member of Congress to aid in this work with an appropriation.

We do not have a great many immigrants out in our country compared with our population, aliens seeking to become American citizens, and yet I have received more appeals, I think, in regard to this item from my State than I have received in regard to any item in this bill, and those appeals have come from the very best people in the State, from the superintendent of schools of the town in which I live, the county superintendent, professors in the State university, from a number of educators, who are very much interested in this work, and who have been giving their time to the work, and who think that the Federal Government should appropriate for it. Now, it is a work with which we all sympathize; it is a work which I am glad the bureau has inaugurated; it is a work which the bureau may well continue to encourage, so far as they can with the appropriations carried in this bill. It is a work that ought to be carried on, that ought to be extended. The question is, Should Uncle Sam pay for it? and I have said to those who have written me and these very good folks who are interested in it and who show that they are good citizens by taking part in it, that I am delighted that they have taken up the work and hope they will continue it and carry it on and encourage others to take it up, but I doubt if we should ask the Federal Government to undertake to actually pay for this work of education. I hope the work will go on with such aid as the bureau can give with the authority and appropriation they now have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I renew the point of order unless the gentleman from Illinois—

Mr. MANN. I would just as lief talk on the paragraph.

Mr. BORLAND. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from New York concedes the point of order, and the point of order is sustained.

Mr. MANN. Mr. Chairman, I ask unanimous consent to correct the spelling in line 7, page 172, of the word "naturalization," where there is a typographical error.

The CHAIRMAN. Without objection, the correction will be made.

Mr. MANN. Mr. Chairman, I move to strike out the last word. While the gentleman from Missouri made the point of order against the amendment offered by the gentleman from New York, the fact is the work which was proposed by the gentleman from New York, and which the Chair declared was without warrant of law by sustaining the point of order, is now being carried on by the Bureau of Naturalization. If the gentleman from Missouri was correct in making the point of order, and the gentleman from New York was correct in conceding the point of order, and the Chair was correct in deciding the point of order, then the work is being carried on in violation of law. I have no doubt the Bureau of Naturalization is doing a great deal of good work in connection with the education of men who have applied for their first papers, but, being without warrant of law and being in violation of positive law, the tendency is when anybody engages in that sort of undertaking they go too far.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. No; I will not. Last fall, during the political campaign, the Bureau of Naturalization invited those who had recently been made citizens at Chicago, those who were applying for citizenship at Chicago, to come to a great meeting to hear the President of the United States address them. They gathered in large crowds and listened to the President.

It was inevitable that men who were applying for citizenship, who had filed their first papers, who had to pass through the Bureau of Naturalization before they could get their second papers, would respond to a demand of that kind, but it was so perfectly patent that it was a political trick that while the naturalized citizens attended the meeting and listened to the President they felt so resentful of the department's action, of their attempt to use them, that they voted the Republican ticket and refused to vote for the President. [Applause on the Republican side.] The President lost many votes in Chicago by that political trick, not on the part of the President but on the part of the Bureau of Naturalization. That is what the bureau has engaged in. I hold in my hands a letter recently issued by the Bureau of Naturalization—the education division—the deputy commissioner of naturalization attempting again to prostitute the office of the Bureau of Naturalization for political purposes. I am going to read this letter if I can get the time.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF NATURALIZATION,
Washington, January 5, 1917.

GENTLEMEN: For the first time in the history of America plans are being made for the naturalized citizens and foreign-born friends of this Nation who have taken steps to become American citizens to participate as a distinct section in the inaugural parade in honor of the inauguration of President Wilson, at Washington City, the Capital of the Nation, on March 5, next. This section will be led by members of the Bureau of Naturalization, of the United States Department of Labor, marshaled by officers from the various foreign organizations.

There are, of course, thousands of American citizens who will come to Washington to witness the inauguration of President Wilson. Many hundreds will come from your city. This letter is being sent as a special invitation to your membership to march in this, the greatest of all parades in the history of the Nation.

The plans of the inaugural committee having charge of the ceremonies show that the parade at the inauguration of President Wilson on March 5, 1917, will be the largest and most imposing ever held in the history of the country. There will probably be a greater number of military organizations in the line of march and by far a larger number of civic, patriotic, commercial, and political organizations than ever before. Undoubtedly the newly naturalized citizens will be as proud of the opportunity to march in the inaugural parade as native-born citizens, and for this reason this proposal is being submitted to you. It is believed that earnest and hearty cooperation will be given to this plan for the organization of a section of new naturalized citizens and those who have taken out their first papers, and that this section will be the most important and impressive one of the entire parade.

Please acknowledge the receipt of this letter to the undersigned promptly and state what action you think your organization will take at its next meeting. Also, please present this matter at the next meeting and let me know promptly how many will come.

Very truly, yours,

RAYMOND F. CRIST,
Deputy Commissioner of Naturalization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Here is a letter addressed to organizations of men who have filed their first papers, who have pending applications of citizenship. Those applications for citizenship must be examined and passed upon by the Bureau of Naturalization,

and those men are told to walk up to the captain's office and support the Democratic Party as part of a parade at President Wilson's inaugural, or possibly they will not be permitted to become American citizens. Foreigners coming here, unacquainted to a large extent with the customs of the country and their rights in America, are disposed to give undue emphasis to the requests or demands of public officials with whom they come in contact. I say it is a disgrace to the office and a disgrace to American citizenship that the men in charge of the Bureau of Naturalization would tell, practically command, men who have applications for citizenship now pending to be passed upon by the Bureau of Naturalization, that they must organize and come to Washington to march in an inaugural parade. [Applause on the Republican side.]

Mr. AUSTIN. What right under the law has a bureau official to sign a communication of that kind officially?

Mr. MANN. Why, this is an official command. They have just the same right to do it that they have to spend this money for what they call educational purposes. Of course, this is franked matter, sent out at the expense of the Government.

Mr. MONDELL. On the letterhead of the department?

Mr. MANN. United States Department of Labor, Bureau of Naturalization, Washington. [Applause on the Republican side.]

The Clerk read as follows:

LEGISLATIVE.

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the Sixty-fourth Congress, showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills, as required by law, \$4,000, to be paid to the persons designated by the chairmen of said committees to do said work.

Mr. BORLAND. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 173, in line 5, strike out the word "first" and insert in lieu thereof the word "second."

The amendment was agreed to.

The Clerk read as follows:

Botanic Garden: For general repairs to buildings, heating apparatus, painting, glazing, repairs to footwalks and roadways, general repairs to packing sheds, storerooms, and stables, including skilled laborers and laborers at not exceeding \$2 per diem, under the direction of the Joint Committee on the Library, \$11,000.

Mr. MANN. I move to amend, in line 15, page 173, after the words "skilled laborers," by inserting a comma.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 173, in line 15, after the words "skilled laborers," insert a comma.

Mr. MANN. That is the same correction we made in the District bill, so that it will provide for skilled laborers, and laborers at not exceeding \$2 per diem.

Mr. BORLAND. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

The unexpended balance of the appropriation of \$2,500 made in the sundry civil act for the fiscal year 1912 and reappropriated for subsequent years, for removing fence and wall around the Botanic Garden and such grading, soiling, seeding, and sodding as may be incident thereto, is reappropriated and made available for the same purposes for the fiscal year 1918.

Mr. MANN. I move to strike out the last word. There are several gentlemen in the House who have given considerable attention to the matter of the removal of the Botanic Garden. We have carried this appropriation for a good many years, because it has been designed, when the Grant monument is completed, to take down the fence.

When Mr. Smith was in charge of the Botanic Garden he always protested against taking down the fence. I think they are quite willing now to take it down, and we really ought to have amended this item so that they could take down the fence—the wall—and leave the base and put a little ordinary coping on top of that.

But I rose because there are several gentlemen here who I know are interested in this. There has been talk, instead of moving the Botanic Garden—which does not seem likely to be done right away—of extending it to the west—I think possibly up as far as Sixth Street. The name of the park on the Mall does not now come to me. A lot of the trees have been moved out, and I hope any gentleman here who happens to hear me, who has not given consideration to it, will endeavor to look at that place down there and see whether it will be possible in the future at sometime to extend the Botanic

Garden a little to the west, to take in a little more territory, so that it will not have to be moved from its present position.

Mr. BORLAND. In view of the uncertainty as to when the monument will be finished and when the fence will be taken down, it does not seem to be necessary to make any change at this time.

Mr. MANN. I think they are willing to take the fence down right away.

Mr. SMITH of Michigan. Is it proposed to condemn the buildings on the south side of Pennsylvania Avenue as far as Sixth Street for the purpose of making this extension?

Mr. MANN. Oh, no; simply to take a part of the Mall. There is no good excuse for keeping the wall around the Botanic Garden. When Mr. Smith, a great, fine old gentleman, was there he was under the impression that if they did not have a brick wall, a fence with tight gates closed at night, the children or the citizens of the town would run over and destroy the garden. But everywhere in the country, where the public maintain a beautiful flower garden or a park, it has been discovered that people do not steal the flowers or break down the shrubbery to any extent whatever. Now, the gentleman who is at present in charge of the Botanic Garden is quite willing to have that wall taken down; but he thinks, and I fully agree with him, that there ought to be a little coping there. In that case it would be necessary, when taking the wall down, to leave enough of the base on which to put a cement coping, which could be done at very little expense. I am under the impression—though I would not say it for certain—that the comptroller has held, or it is believed that he would hold, that under the authority to remove the fence they could not take down part of the fence and then use the balance of the money in putting a coping on the base that was left, close to the ground. The fence is an unsightly thing. It is not needed. There is no occasion for it. There is no reason why it should remain there at all. It ought to be removed.

The CHAIRMAN (Mr. RAUCH). The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, \$51,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I am a member of the House Office Commission, as is the gentleman from New York [Mr. FITZGERALD]. Because of that I sometimes get complaints, and properly so. The other day I received one with which, of course, I had no possible official connection. I call it to the attention of the House, in the hope that somebody who has charge of it will pay attention to it.

One of the Members of the House told me the other day that coming out of the building, or through the building, he found two small children—9, 10, or 11 years old, possibly—opening with a key the mail box at the base of one of the mail chutes, taking out the mail, of which there was a large amount, attending to it as though the children were employees of the House post office, evidently accustomed to do the work. Now, it seems to me very queer that with the number of employees we give the House postmaster he has to employ children to handle the mail that Members of Congress drop in the mail chute for delivery outside of the House Office Building, or possibly in it. I see the distinguished gentleman from Mississippi [Mr. HUMPHREYS] before me, who has charge of the patronage of the House. Perhaps he can explain to me whether a part of the patronage of the House with reference to the post office goes to babies.

Mr. FITZGERALD. Before the gentleman from Mississippi attempts to make any defense, I desire to say for both the gentleman from Illinois and myself that the post office, the postmaster, and the postal service in that building are not under the control of the House Office Building Commission.

Mr. MANN. That is true.

Mr. FITZGERALD. So that if there is any basis of criticism on account of what the gentleman has detailed we are not either responsible or subject to criticism.

Mr. MANN. We have enough to stand for without standing for that.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I shall make no attempt to defend but emulate the two members of the House Office Building Commission, and get out from under this responsibility. As chairman of the great committee on organization, I am in no wise, directly or indirectly, responsible for the manner in which the employees perform their duties.

Mr. MANN. The question is whether they are employees or not.

Mr. HUMPHREYS of Mississippi. I say this: That the statement the gentleman has made is all news to me, but it is abso-

lutely inexcusable. The postmaster has a sufficient force employed. Of course, none of his employees is a child, but the employees are grown men; and if they are not efficient they ought to be. It is the postmaster's business to see that they are efficient. If this particular matter had been called to his attention, I have no doubt he would have instituted some inquiry and ascertained who was guilty of this neglect and subjected him to discipline.

Mr. MANN. I have no doubt that he is familiar with the facts. The gentleman who told me said that the children acted as if they were perfectly familiar with the situation and accustomed to the work; they had mail keys, handled the mail in considerable quantity, and seemed to be perfectly familiar with the duties.

Mr. HUMPHREYS of Mississippi. There is no defense that can be made by the postmaster for permitting such a thing to be done if he was cognizant of it. I say to the gentleman that I shall also call it to his attention, although it is no more my business than that of any other Member of the House.

Mr. MANN. I think it is.

Mr. HUMPHREYS of Mississippi. The gentleman, not being a member of the Democratic caucus, probably does not understand the limitation that is put about me.

Mr. GOOD. Mr. Chairman, it seems to me that the House Office Commission might well look into this matter, and possibly employ these children to take care of the House Office Building. The facts are that evidently none of the members of the House Office Commission ever go near the House Office Building; they do not have their offices there, but have them in this building. The gentleman from Illinois had to rely on hearsay testimony in regard to this matter of the children handling the mails, and knows nothing about what goes on over there. The facts are that in the toilet rooms of the House Office Building no towels have been provided this session of Congress. Things of that kind go on and we never hear of a member of the House Office Commission making complaint, because they do not seem to know anything about it.

Mr. VARE. Did my colleague make any complaint to the superintendent of the building?

Mr. GOOD. No; it is useless to make complaint. I am making the complaint now to the House Office Commission. They are the gentlemen in charge; they have the responsibility and the whole care of that building. They can not shirk their responsibility quite as easily as my friend from Mississippi has got from under his.

Mr. MANN. Mr. Chairman, I am a member of the House Office Commission. For fear somebody would take the statements of the gentleman from Iowa seriously, I reply to them, because they will appear in the Record. I make regular trips to the House Office Building and go through it. My office is not over there, I presume I know more about it than the gentleman from Iowa, although I will not say that I do. I do not know as much as the collective membership of the House, but when the gentleman from Iowa says that I never go near the House Office Building, it is a deliberate affront. I make regular trips through the building at considerable inconvenience, because I am a member of the commission.

Mr. MONDELL. Mr. Chairman, I have no doubt the gentleman from Illinois and all other gentlemen whose duty it is to supervise the House Office Building visit it frequently. At least I hope they do. But if they do, I can not believe that they are always entirely happy over conditions as they find them over there. I had not any notion of complaining about the conditions of the House Office Building, but inasmuch as the matter has been discussed I do not think the matter ought to be passed without somebody suggesting that there is over there a very aggravated case of bad housekeeping. I think most everyone who occupies a room in that building is aware of that fact. The elevator service at times is perfectly scandalous. [Applause.] There are a few men over there that are exceedingly faithful and splendid elevator conductors. I do not keep very close track of them, but they must work more hours a day than the union card allows, because comparatively few of the conductors seem to be doing all the work, and some of the conductors over there in the House Office Building are most conspicuous by reason of their almost continuous absence. I do not know whose appointees they are; I do not know whose patronage it is, but it seems to me that the gentlemen who have charge of the patronage ought to insist that the people who are appointed to take care of our building shall at least put in a part of their time attending to their duty. Sometimes the elevators are running. I do not know that it is intended that all of them shall run at the same time. I do not know about that, because I take it for granted that the committee in charge know

how much elevator service we should have. I take their judgment as to whether it is necessary to run all of the elevators all of the time. But even the elevators that are supposed to be running are not run in a very satisfactory way a good portion of the time. I do not intend to scold about these things, but they having been referred to, I am echoing the view of these matters of practically everyone who has an office over there. It is a case of very bad housekeeping, and a lot of people who are supposed to serve the House are serving the House a very small portion of the time and in a very indifferent way.

Mr. VARE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. VARE. I would like to ask the gentleman if he does not think that the time of the American Congress could be probably utilized to better account if these minor details were attended to by the superintendent rather than the time of the House taken up in discussion of them?

Mr. MONDELL. It is not so small a matter, I wish to say to the gentleman. I am in Washington every day when Congress is in session, and have been for 20 years, so that I know what is happening, and if the elevators do not run and the condition of the offices are not as they ought to be, I notice it, because I am here.

Mr. ALMON. Mr. Chairman, I desire to bear testimony to the fact that the House Office Commissioners, especially the gentleman from Illinois [Mr. MANN], I know of my own observation visit the House Office Building and look after the duties of their office. Whenever I have occasion to find fault with the service in the House Office Building, I call attention of the superintendent and his accommodating assistant to it, and they always promptly remedy the service about which I have cause to complain.

Mr. DAVIS of Texas. Mr. Chairman, I will soon have served two sessions in the House Office Building. It may be that men who have such luxurious surroundings at home, who have such esthetic taste at home, it may be that people who have millions to invest in fastidious comforts at home, would find serious objection to the situation in the House Office Building. Not so with me. I step on magnificent carpets, I walk on marble, I bathe in basins with a choice as to waters, and flip the liquid soap about and have all kinds of perfume.

A MEMBER. Where do you get it? [Laughter.]

Mr. DAVIS of Texas. And I stand before magnificent mirrors and take in my physique in splendid style, and I think frequently of singing that old religious song—

This is the way I long have sought, and mourned because I found it not.

[Laughter.]

I have no objection to find about the situation in the House Office Building. If I should, I would go to the superintendent, because there is a card up there that says that any irregularities or any dissatisfaction of any kind you will please report to the superintendent. [Applause.]

Mr. MANN. Mr. Chairman, it is inevitable in the management of a large office building that there will be more or less complaints. I have had an office in a large office building in the city of Chicago for many years, and occasionally have reason to complain. Very often something comes up that needs attention. I reached the conclusion some time ago, after many talks with the superintendent of the building in reference to various complaints which have been made, that, not always, but as a rule, those who had least at home wanted the most in the House Office Building. There is not an office in the House Office Building, not one, that is not a better office than the one which I occupy in the Capitol Building, and no one has ever heard me complain about that. I can attend to the work that it is my duty to perform in my office, and it is not half as large nor as luxurious as every office in the House Office Building. I know there are complaints about the elevator service. It is not good. It is not good in the House Office Building, and it is no better in the Capitol Building. There are reasons for that which I am not going to discuss now. The gentleman from Mississippi [Mr. HUMPHREYS], who is, I believe, the chairman of the committee on patronage of the Democratic caucus, has talked with me in reference to that in the hope that some way might be found by which the elevator service in both the Office Building and the Capitol Building might be improved. I do not know whether there is any way or not under existing conditions, but it is not the fault of the gentleman from Mississippi, and it is not the fault of the gentleman from New York [Mr. FITZGERALD] nor myself. We do not have any of the patronage, I will say—at least I do not, and I do not think the gentleman from New York [Mr. FITZGERALD] has, although he can answer for himself. We are very glad to have gentlemen of the House in the House Office Building at any time lay any complaint

before the House Office Commission. At the best the service will not be perfect, and at the worst it is a great deal better than the conditions were when I came here, and at the worst a great deal better than the conditions which I have now in my room in the Capitol Building.

Mr. FITZGERALD. Mr. Chairman, the House Office Building Commission consists of the Speaker of the House, the gentleman from Illinois [Mr. MANN], and myself. I do not know that the Speaker goes often to the House Office Building, and there are reasons well known why he does not. He is busy in other ways. I make a practice of going there very frequently, and if I went there much more frequently and found as much complaint as I do when I am there I probably would not be on speaking terms with many Members in the House. I have ordered elevator men to cease making wardrobes out of their elevators. I have ordered elevator men to stop smoking when they are operating their cars, and I have criticized them very severely for the condition of the cuspidors and the floors of their elevators. I have been asked by elevator men who I was to come in there and to interfere with them, and at times they have resented the intrusion of a stranger with these criticisms. I proposed at one time that we put the elevator men in both the Capitol and the House Office Building in uniforms and make them keep them neat. There was objection to that for well-known reasons. We pay them very good compensation. We ought to have the best service possible in that building. The gentleman from Iowa [Mr. GOON] complained about the absence of towels. Enough towels have been stolen out of that building to keep it supplied for a year. A great many matters of which the Members never have knowledge come to the knowledge and attention of the members of that commission, and we continuously endeavor to bring about an improvement in the conditions. Regardless of which party controls the House, I fear we shall always have trouble, more or less, for all of the employees are political employees. Some of them never expect to do any work, and some of them are very competent, faithful, capable men.

They get the brunt of it; the others shirk as much as possible; and it is our duty to try as much as possible to get a reasonable amount of service out of them all. I think if I had the appointment of all the employees in the building myself, the service would be improved [laughter]; but that is the opinion of every other Member. The commission welcomes information from Members as to conditions which should be improved. That building is maintained for the convenience and the comfort of Members, to enable them more efficiently to discharge their duties. It should be conducted in a manner that would be most conducive to that end. The employees should conduct themselves in such a manner that would be becoming; they should perform the duties devolving upon them faithfully, and they should try to give service that would be satisfactory.

Mr. GOOD. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. GOOD. Does not the gentleman from New York feel that we would get better service, so far as the elevator operators are concerned, if we took local employees and paid them the price that is usually paid—that is, \$60 a month—instead of sending out over the country and giving out these positions as patronage, and then let a Member of Congress call an elevator man into his office to address franks, as is frequently done?

Mr. FITZGERALD. That should not be done during the time he is assigned to work.

Mr. GOOD. It is; I know that.

Mr. FITZGERALD. The conditions are not ideal, and we should try to do the best we can. They started off the other way, and I do not know how we can change the situation. All we can do is to try to improve it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I have just come in, and I do not know what has happened before the two gentlemen started to speak. I heard part of the talk of the gentleman from Illinois and that of the gentleman from New York. I have some knowledge about former conditions. I was chairman of the House Office Commission while I was Speaker, and after the building was occupied it did not receive any attention from me, as I had no time to give it, and I unloaded on the commission. In the Capitol the Speaker does have the power, or did then, and controlled the elevators at that time—the lunch room was under the control, practically, of the Speaker, although the Committee on the Public Lands at one time controlled it—and I want to say that I never paid any attention either to the elevator men on the south end of the Capitol. I think the service was fairly good. I unloaded it on the Superintendent of the Capitol and did not interfere with him. We all know who he is. And I unloaded the newspaper gallery on the Superintendent of the

Capitol and the then secretary to the Speaker, Mr. Busbey, who had been a newspaper man himself, and neither one ever gave me much trouble. I said, "Never come to me unless there is something you can not solve."

The Clerk read as follows:

Watch force: Captain, \$1,200; 2 Lieutenants, at \$900 each; 64 watchmen; in all, \$49,080.

Mr. AUSTIN. Mr. Chairman, I wish to ask the chairman of the Committee on Appropriations if the purpose is to provide for an increase of salary for the employees named in this bill in line with the increases provided in the other appropriation bills?

Mr. FITZGERALD. There is a 5 and 10 per cent provision in this bill.

Mr. AUSTIN. On what page?

Mr. FITZGERALD. Section 2, page 194.

Mr. AUSTIN. I thank the gentleman.

The Clerk read as follows:

For public printing, public binding, and paper for public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving, for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the Federal Trade Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures; bicycles, electrical vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding \$1,500); freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not exceeding \$500; adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding \$100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, \$5,250,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 177, line 2, after the figures "\$5,250,000," insert the following: "Provided, That from and after the date of the passage of this act the pay for compositors and bookbinders in the Government Printing Office shall be at the rate of 55 cents per hour."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, the paragraph provides, among other things, for the "salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for," and so forth, which I assume would make the matter germane. But, apart from the question of germaneness, if that is the basis of the point of order, I would like to say that the compositors in the Government Printing Office are a very deserving and worthy branch of the public service. They have been held at the rate of 50 cents an hour since 1900. They have not had an increase in wages to correspond with increases granted to other employees. The pressmen, for instance, were long since advanced to 55 cents an hour. The Senate favored this proposition and the House favored it on the passage of the bill codifying the printing laws of the United States. The report from the House committee on that subject states:

This section contains an increase in wages for all printers and bookbinders in the Government Printing Office from 50 to 55 cents an hour, as passed by the House and favorably reported to the Senate in the last Congress. It affects 330 printers and 270 bookbinders, according to the Public Printer's estimate for 1917, and will add \$75,120 to their wages per annum. This increase was recommended by the Public Printer in his annual reports for 1914 and 1915, and has been urged by other printers and bookbinders throughout the country. The wages of the printers and bookbinders at the Government Printing Office have not been increased since 1900, when they were restored to the 50-cent rate that had been paid them for many years prior to the printing act of 1895, which fixed their compensation at 40 cents an hour.

Now, the high cost of living affects printers just as it affects all other workmen.

It has been said that men in the Government service have certain advantages over other employees, but this Congress is recognizing the propriety of increasing the salaries to the lower-paid workmen. Here is a high-grade craft, whose work necessarily requires skill, who must be intelligent above the ordinary, and who ought to be treated with the same considera-

tion that others doing what might be regarded as a corresponding class of work are treated. If the pressmen, for instance, get 55 cents an hour in the Government Printing Office, and they deserve it, why should not the compositors and the bookbinders receive that rate of pay? It would be timely and just.

This House has expressed itself upon this question, and so has the body at the other end of the Capitol. We have the opportunity now to do an act of fairness, if not of simple justice, to this high-grade body of faithful employees. I do not believe the point of order ought to be sustained. I trust the chairman of the committee will not press it. Sooner or later we must deal with this question in fairness to these men. It is idle to say that this is going to increase the expenditures of the Government \$75,000. That is a mere bagatelle to some of the increases that have already been made. It is idle to say that some benefits are provided for in the matter of a graduated scale of increases. These men would not participate in that increase corresponding to those whose regular wages have been increased.

The CHAIRMAN. The time of the gentleman has expired. Mr. MOORE of Pennsylvania. I trust the gentleman will not insist on his point of order.

Mr. FITZGERALD. Mr. Chairman, I have no discretion in the matter. The amendment changes existing law, and is not recommended by the committee. While my sympathies are with these employees, in the performance of the duty that falls upon me in charge of this bill I am compelled to insist on the point of order.

Mr. MOORE of Pennsylvania. Before the Chairman rules I would like to be heard. What is the point of order?

Mr. FITZGERALD. It changes the law.

Mr. MOORE of Pennsylvania. What is the point of order?

The CHAIRMAN. That it changes the existing law.

Mr. MOORE of Pennsylvania. Is it not in order, Mr. Chairman, to offer an amendment that is germane to a paragraph that provides for the compensation of certain classes of employees?

The CHAIRMAN. Not if it changes the statutory law. The Clerk will read.

The Clerk read as follows:

For the Treasury Department, including printing required by the Federal farm loan act, \$425,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Referring to this item for the Treasury Department, including printing required by the Federal farm loan act, \$425,000, I would like to know if the committee can state how much of that \$425,000 is intended for the Federal Farm Loan Bureau?

Mr. FITZGERALD. For the current year the appropriations for the Treasury Department are \$425,000, and the increase in the amount requested is \$20,000.

Mr. MOORE of Pennsylvania. That would be for the use of the Farm Loan Bureau?

Mr. FITZGERALD. Practically intended for the Farm Loan Bureau.

Mr. MOORE of Pennsylvania. Can the gentleman indicate if the printing to be done is in the nature of blanks and stationery, or is it descriptive work?

Mr. FITZGERALD. The Farm Loan Board will print circulars, blanks, prospectuses, regulations for the banks, reports of various kinds, all the stationery; in fact, all printing that is required for a bureau of the Treasury Department.

Mr. MOORE of Pennsylvania. The Farm Loan Board has started in quite vigorously.

Mr. FITZGERALD. It is organized, but they have not yet organized any farm loan banks.

Mr. MOORE of Pennsylvania. Its members have toured the country—very good men, I understand, and faithful Democrats?

Mr. FITZGERALD. Under the act the members were required to divide the country into districts and to locate the farm loan banks, and following the course adopted by the Federal Reserve Bank Organization Committee the Farm Loan Board arranged to conduct hearings in various cities throughout the country in order that the claims of various communities might be presented for the location of Federal loan banks. It was believed that by reason of these visits it would be much more convenient to the large numbers of persons interested in the location of banks to have the commission visit the various localities and give the people an opportunity to be heard than it would be to remain in Washington and compel the representatives of various communities to come from all parts of the United States to Washington.

Mr. MOORE of Pennsylvania. That was done, of course, at the expense of the Government?

Mr. FITZGERALD. Yes; that was done last summer.

Mr. MOORE of Pennsylvania. The Navy Department is now putting out circulars more or less attractive to catch the eye of the young men whom it desires to have enlist in the Navy. Several other departments and bureaus are doing advertising with a view of attracting public attention to their work. I would like to know whether the Farm Loan Bureau is using this money, or will use this money, for the purpose of circularizing the communities with the view of competing with existing banking institutions?

Mr. FITZGERALD. I do not know. One of the positions that the Farm Loan Board proposed to establish was that of a publicity agent, and it was not allowed in the legislative bill as agreed upon by the managers on the part of the two Houses.

Mr. MOORE of Pennsylvania. Was a publicity agent asked for?

Mr. FITZGERALD. It was asked for, and I believe there was a publicity man employed. That place has been eliminated.

Mr. MOORE of Pennsylvania. And no appropriation was granted for that purpose?

Mr. MANN. Mr. Chairman, I move to strike out the last word. I had intended to say a word when we had up the printing and binding for Congress. The gentleman from Indiana [Mr. BARNHART] has a bill pending, and a similar bill has passed the Senate, for something of a revision of the printing law. I call it to the attention of the Members of the House. It is very likely it will not be possible to get it up at this session of Congress. One of the features of that bill, and one of the essential features of it, is the provision shutting off altogether, practically, the leave to print. I do not often myself make use of a leave to print—

Mr. FITZGERALD. You ask for it often enough.

Mr. MANN. Well, I have not asked for it at this session.

Mr. FITZGERALD. The gentleman will before we conclude. He always does make a half dozen requests.

Mr. MANN. I usually have a number of leaves to print to my credit, so that if some political matter comes along on which I think it is essential to print as the floor leader of my party, I may put it in the RECORD. I very seldom have done it, however, but I have usually had the leave. I had at the last session of Congress, I think, a dozen leaves to print when we ended the session, and I have not made use of one of them. I do not know whether it will be practicable to run the House of Representatives without leave to print—

Mr. FITZGERALD. We might have a special edition—

Mr. MANN. Though I do know that we woefully abuse the privilege to-day.

Mr. FITZGERALD. We might have a special publication in which those things could be printed.

Mr. MANN. This bill provides in some cases for leaves to print—always, I believe, to be inserted in the Appendix. That is a pretty good place for them. We have 435 Members. While I talk often on the floor, I seldom talk long, but I get all into the RECORD that I want to, and more, too. But sometimes it is difficult for Members to get the opportunity to speak on the floor.

I believe this bill would allow Members to extend their own speeches. We have got into the habit lately, more and worse than ever, of inserting newspaper articles, magazine articles, telegrams, and letters under leave to print.

Mr. FITZGERALD. And speeches.

Mr. MANN. And some day the legislature of a State passes a resolution with a long preamble, and one or two Senators insert it in the Senate and one or a dozen Members of the House insert the same thing in the House proceedings. There is no good reason for that.

Mr. FERRIS. I agree with what the gentleman from Illinois has said. But, as a matter of economy, is it not economical to pay for the printing of speeches of Members of Congress rather than to hold up the Congress for them to deliver them? These speeches, you know, must be unloaded.

Mr. MANN. No; they do not have to be unloaded. Congress is operating all the time, ordinarily from 12 o'clock to a reasonable hour in the afternoon, and now from 11 o'clock in the morning to 11 o'clock at night, and somebody's tongue is going all the time. It would not be possible for every Member of the House to be heard even shortly, much less at length, on all the propositions pending.

Mr. FERRIS. We would have a riot without an outlet somewhere.

Mr. MANN. I am not undertaking to decide the proposition, but simply suggest that Members should think it over a little, because undoubtedly that matter will come up for the consideration of Congress at the next session. The Senate, of course,

is always very liberal in endeavoring to cut off the privileges of the House.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BARNHART. Mr. Chairman, the bill to which the gentleman from Illinois [Mr. MANN] refers is in substance a bill which has recently passed the Senate, and, as I understand it, does not curtail the possibility of extending remarks in the RECORD, except as they embrace extraneous matter. It does provide that, when requests are made for extending remarks in the RECORD by way of inserting newspaper articles and long dissertations of distinguished gentlemen here and there and everywhere, the same shall be referred to the Committee on Printing and reported out as a privileged matter for the consideration of the House as to whether or not they shall be inserted in the RECORD. In the matter of extending remarks of Members in the RECORD, I think the bill provides that such remarks extended in the RECORD shall not occupy more than two pages, which is a reasonable amount of space.

The bill further provides, as I understand it and as the committee understands it, for a large saving in this abuse of the CONGRESSIONAL RECORD. I want to call the attention of the Membership of the House to one or two abuses that have occurred in the not very distant past.

One was a special issue of the CONGRESSIONAL RECORD that contained a vast number of pages. I do not recall just how many pages, but I do recall that I inquired of the Public Printer and he reported that merely the printing of that extra edition of the CONGRESSIONAL RECORD, carrying a similarity of telegrams on a certain question that was pending at that time, cost the Government of the United States \$14,800, to say nothing of the franking expense and the envelope-privilege expense, and altogether it is quite likely that that one edition of the CONGRESSIONAL RECORD, through the extension of remarks by a Member of Congress, cost something like \$18,000.

In the not distant past there was another similar but less extravagant incident, and I called attention to it at the time. I do not point it out by way of criticism, because it is common. A Member of Congress, a Member of the House, asked unanimous consent to extend certain matter in the RECORD which was reprint throughout. The request was granted, and in that one insert about 37 pages of the CONGRESSIONAL RECORD were occupied by solid nonpareil type, and the cost of the composition and the paper for making that reprint was something like \$4,000. And that was only a part of the requests for unanimous consent to print by the gentleman who asked it. Since that time he has come to me and said he was surprised at the enormous expense of the printing. He said, "I have not done with what I had in mind to insert in the RECORD." I made inquiry at the Government Printing Office and I find that while this has not been completed, it might ultimately cost \$15,000 or \$20,000. The same material could have been printed as a public document at very much less expense. But, in any event, it simply shows that the Members of Congress who avail themselves of the privilege—

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. HAMLIN. Did not another matter escape the gentleman's attention? I hardly think it did, because I know the gentleman pays very close attention to these things. That is, that under leave to extend remarks a Member inserted matter covering about 100 pages of small type, and I think all of it, while it is valuable, is included in documents already in print, issued by the department; but it occupied about 100 pages of the RECORD.

Mr. BARNHART. Mr. Chairman, that is almost as common as the publication of the RECORD. At another time I recall that a Member of Congress got unanimous consent in one of the branches of this body to print report on child labor.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes more.

Mr. BARNHART. I was about to say that we have had printed in the CONGRESSIONAL RECORD and made a public document certain reports on child labor, and the last I heard of that, some two or three years ago, was that already \$47,000 worth of printing had been done, and that the publication was only about half printed. When finished it will comprise a wheelbarrow load of volumes, and the probability is that not one man

in a million in the United States, after he sees the extent of the publication, will take the time even to turn and look at the title-page.

Mr. SHERLEY. Was that printed in the Record?

Mr. BARNHART. That was printed from time to time in the Record, but it is finally printed as a document.

Mr. SHERLEY. The leave to print is not construed to be a continuing leave, to run through various editions of the Record, is it?

Mr. BARNHART. Whether it is construed to mean that or not, that is what is frequently done. A Member asks unanimous consent for leave to print certain publications on a certain matter, and he keeps on feeding it to the Record day after day, and you and I—at least I did not formerly do so as much as now—do not notice that it is being done, but it is done under the leave granted to print. A Member may not have them all ready to-day or to-morrow, and he will gather some more from time to time. That was the particular instance I was citing, and that occurred within the last 10 days in this House, where the Member who had already inserted 37 or 38 pages of printed matter said to me that he had considerable more, but he hesitated to put it in because he believed it was going to be too expensive. However, his intention was—and he was in perfect good faith about it—to go ahead and insert it in the Record.

Mr. MANN. I think I know what the gentleman refers to. The gentleman does not mean that the gentleman to whom he refers inserted day after day under the same leave to print?

Mr. BARNHART. The intention of the gentleman, as I understood it, was to insert the balance of what he had in mind under that leave to print.

Mr. MANN. I think the gentleman from Indiana is in error, because the gentleman to whom he now refers made request after request, another request and then another request, for leave to print, to include certain things.

Mr. BARNHART. The gentleman from Indiana knows nothing more than that the gentleman referred to came to him and suggested just what has been stated—that he hesitated to put in any more of it after he learned how very expensive it was to print it.

Mr. MANN. He hesitated to ask another leave to print. I think that is what he meant. I would like to ask the gentleman one question if I may without interrupting him.

Mr. BARNHART. Certainly.

Mr. MANN. My recollection of the bill to which the gentleman refers is that it provides that no speech shall be inserted in the Record which is not germane to the subject matter up before the House at the time the speech is made?

Mr. BARNHART. I think if the gentleman from Illinois will look at the bill, he will find that no matter shall be inserted that is not germane to the subject.

Mr. MANN. That is a little broader than a mere speech, but it includes a speech.

Mr. BARNHART. But the entire purpose of the bill—and if it does not specifically so state it can easily be amended—is to provide that extraneous matter shall be passed upon by some other authority than unanimous consent before it is inserted in the Record.

Mr. MANN. I shall be very glad to have something of the sort done, as far as I am concerned.

Mr. BARNHART. The bill that passed the Senate carries some other excellent provisions. It is similar to a bill that has passed this House once.

Mr. MILLER of Delaware. Is there any penalty, or a provision for any course to be taken, where in remarks extended in the Record, and not spoken on the floor, a Member writes in the word "applause" or other evidences of approval, as has been done in instances I know of in the present Congress? Is that taken care of?

Mr. BARNHART. Oh, I think precedent has established the right of a Member to do that, if it gives any unction to his soul.

Mr. MANN. Oh, no; not by a long shot.

Mr. BARNHART. Well, it is done.

Mr. FERRIS. Mr. Chairman, what I shall say will not be the last word on the CONGRESSIONAL RECORD, the printing of the Record, or what it shall contain. I am neither a member of the Committee on Printing nor a very close student of the CONGRESSIONAL RECORD; but while this question is up, I do want to say that there are 435 Members here, and there are 435 districts that they represent, and each and every Member is presumed on a good many questions that come up here to make known to his district the things for which he stands. We can not all be as active as the chairman of the Committee on Appropriations and the minority leader in the matter of addressing the House. If we did the House would never get any business transacted; it would be all talk. Some of us have to sit here

content to be an audience for the rest, and it is only fair that we have an opportunity to get our views into the Record.

Mr. FITZGERALD. I have not talked as much as the gentleman from Oklahoma has talked in one week.

Mr. FERRIS. This is the first time I have opened my mouth in this House in a week.

Mr. FITZGERALD. But the gentleman was a continuous performer here for three months in the last session.

Mr. FERRIS. Oh, no; and I hope the gentleman will not take up my time. I want to finish these important remarks.

Mr. BARNHART. Will the gentleman yield to me?

Mr. FERRIS. I can not; I am in such a hurry to say what I have to say in the time I have. This is too important.

Mr. Chairman, in all earnestness I want to say that we ought not to begin to curtail the Record. If it is desired to put the extensions in the back of the Record, as we have already done, that is all right.

Mr. BARNHART. We are not trying to curtail speeches.

Mr. FERRIS. If we want to show that extended remarks are made in the Record, and not as a part of the proceedings of the House, so that they will not bear any fraud on their face, that is all right. But Members who do not participate very much in the debate have the right to inform their districts in some way of their views upon the questions coming up here, and if there is any vehicle of communication more capable of bearing that burden than the CONGRESSIONAL RECORD, I should like to know what it is. It has carried the same load for a good many years, and I suppose it can hold it up a little longer. The Record is read by a good many people. It is a means of publicity. It should be broadened not curtailed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Interior Department, including not exceeding \$55,000 for the Civil Service Commission and not exceeding \$25,000 for the publication of the Annual Report of the Commissioner of Education, \$320,000.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. I will occupy a minute or two to say to the gentleman from Oklahoma that the printing bill that has passed this House once and almost passed again, and has passed the Senate twice, and is now lying on the Speaker's desk, does not provide the limitations suggested by the gentleman from Oklahoma and the gentleman from Illinois. There is no purpose in the bill to attempt to curtail the privilege of Members extending their remarks in the Record, nor to extend remarks they may have made elsewhere than on the floor of the House; but it does undertake to and would effectually stop the waste and bulkiness, the result of inserting so much extraneous matter in the Record, which makes the Record so large that the average individual will not stop to read it, because he has not time to hunt out what is worth reading. If it were possible to take the bill from the Speaker's table—and I believe we could dispose of it in an hour—we would settle matters that have caused Members considerable trouble, such as securing documents they want for their districts, and leave those they can not use to be distributed to some one who can use them. It provides that a Member may take all of his allotment from year to year in printing, without specifying how much it shall be, and distribute it in his district, and not send so much junk, which sometimes amounts to three-quarters of a million dollars, to the waste-paper pile.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. TAYLOR of Colorado. Does it provide anything in regard to an index for the CONGRESSIONAL RECORD?

Mr. BARNHART. We provide for that in the bill.

The Clerk read as follows:

For binding in classified order one set of German patents now in the Patent Office Library, \$20,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. What are the German patents that are in the Patent Office?

Mr. FITZGERALD. There is in the Patent Office a complete set of German patents arranged by classification. The set is very valuable, but it is not bound. There is no way in which anyone desiring to search German patents can do so without examining over 2,100 volumes. If those reports were bound, by taking a volume under any particular classification in a very short time a complete search could be made of the German patents. They are in such shape now—in loose pamphlet form, unbound—that the Patent Office does not feel at liberty to permit them to be examined by all those who desire to do so.

Mr. MOORE of Pennsylvania. Is there any secrecy about them?

Mr. FITZGERALD. No; but they are in pamphlet form and in bundles, and the desire is to bind them in volumes.

Mr. MOORE of Pennsylvania. Are they designs or are they reports?

Mr. FITZGERALD. They are the official patent reports issued by the German Patent Office.

Mr. MOORE of Pennsylvania. Have they anything to do with the Army or the Navy?

Mr. FITZGERALD. Oh, no; they are the general Patent Office reports; they are the reports of the patent office that Germany issued in the classified form. The patents belonging to certain classes are arranged under proper headings. We have a set not arranged in that way, but it is not as valuable or useful. This set is of immense value to persons seeking information relating to possibility of patented invention under the German laws or acquiring information about any particular art.

Mr. MOORE of Pennsylvania. That is all I wanted to know. I thought possibly there might be a question of international law here.

Mr. FITZGERALD. No; we have the reports which came from the German Patent Office and are stacked in the Patent Office, tied up in bundles, and unable to be used because of the form in which they are there. If they were properly bound they would be of very great value to those seeking information.

Mr. MOORE of Pennsylvania. Our Patent Office is still on speaking terms with the German Patent Office?

Mr. FITZGERALD. We are still receiving from Germany the public documents through the international exchange conducted by the Smithsonian Institution.

Mr. WATSON of Pennsylvania. Are there not thousands of volumes of patent reports now in the Patent Office from Germany which are not bound?

Mr. FITZGERALD. I have said that there is a whole set of them, about 2,100 volumes.

Mr. WATSON of Pennsylvania. There are thousands of those reports in bundles unbound, all covered with dust. I approve of this appropriation to bind this set of reports, and the others ought to be bound to preserve them. No one can look at them because the leaves are loose and likely to be lost, and therefore, as I say, I approve of the appropriation to bind them.

Mr. FITZGERALD. This is to bind them, and the commissioner urged it forcibly, and the committee believed it a desirable thing to do.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed \$47,000 for the Weather Bureau, and including the annual report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the joint resolution No. 13, approved March 30, 1906, and also including not to exceed \$200,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, \$650,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee whether this is the total amount allowed by the Department of Agriculture for the printing of the various activities of that department?

Mr. FITZGERALD. It is.

Mr. STAFFORD. I notice that the appropriation has been increased some \$50,000 over that carried in the last year's bill.

Mr. FITZGERALD. That is correct.

Mr. STAFFORD. Is that due to the increased cost of paper or the additional activities of the bureau?

Mr. FITZGERALD. The increased cost of paper and the increased activities of the bureau and the increased number of bulletins to be printed.

Mr. STAFFORD. I suppose the gentleman refers to the farmers' bulletins that are printed?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. How many will the additional appropriation authorized in the bill allow to each individual Member?

Mr. FITZGERALD. The appropriation for that purpose is increased \$22,500.

Mr. STAFFORD. Will it permit of a decided increase in number?

Mr. FITZGERALD. It is intended to increase considerably the number of bulletins.

Mr. STAFFORD. As I understand it, these various items providing for authorizations to the respective departments are the appropriations under which various departments print their various publications and reports.

Mr. FITZGERALD. All of the printing for the departments comes out of the allotment made in this bill. The appropriation

is made to the Public Printer, and these items are limitations upon the departments for printing for various purposes.

Mr. STAFFORD. Can the gentleman estimate how much additional appropriation is required by reason of the increased cost of paper?

Mr. FITZGERALD. No; I do not know. Paper has gone up very considerably. Everybody says the increased cost of paper necessitates an increased appropriation, and just how much of the increase is caused by the rise in paper prices I have not been able to determine in any single case.

Mr. BORLAND. There has been a reduction in the quality of paper. They are not using as good paper.

Mr. FITZGERALD. One of the ways in which that increase has been offset has been in the use of a cheaper quality of paper.

Mr. STAFFORD. Some grades of paper have increased something like 25 per cent, and higher than that in some grades.

Mr. BARNHART. Five hundred per cent in print paper.

Mr. STAFFORD. The gentleman has not increased some of these allowances.

Mr. FITZGERALD. That is true, but it would not hurt the Government if the printing for any department of the Government were materially reduced.

Mr. STAFFORD. There are different views about that. There are some who believe that the appropriations should be increased so as to permit of the information to be more generally scattered throughout the country.

The Clerk read as follows:

THE PANAMA CANAL.

For every expenditure requisite for and incident to the construction, maintenance, and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding \$500, textbooks and books of reference; printing and binding, including printing of annual report, rents and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages caused to owners of private lands or private property of any kind by reason of the grants contained in the treaty between the United States and the Republic of Panama, proclaimed February 26, 1904, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the work of sanitation and protection therein provided for, whether such claims are compromised by agreements between the claimants and the Governor of the Panama Canal or allowed by a joint land commission; acquisition of land and land under water, as authorized in the Panama Canal act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; per diem allowance in lieu of subsistence when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business, pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary to best promote the construction, maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. This is the first paragraph relating to the Panama Canal, and I notice in the various paragraphs the amounts carried are much less than those carried in previous bills. I would like to have some statement from the chairman of the committee as to the condition of the canal at the present time, whether it is nearing completion, but particularly as to whether traffic is being impeded by the continuance of the land and rock slides?

Mr. FITZGERALD. The canal is finished, and any expenditures now being made to remove soil that has been deposited in the prism of the canal as a result of slides is charged to maintenance and operation. Some of the facilities have not yet been completed. There are some requests for appropriations for additional facilities, but the canal has been from an accounting standpoint actually completed, and that accounts for the reduction in the sums appropriated.

Mr. STAFFORD. What is the total amount that the canal has cost up to date?

Mr. FITZGERALD. Exclusive of the payments to France and Panama the total appropriations are \$395,714,000. Some of that is for maintenance and operation.

Mr. STAFFORD. So the cost of the canal is greater than the original estimate made by Gen. Goethals by several millions?

Mr. FITZGERALD. The amount expended for the construction of the canal, including a number of facilities not originally contemplated, is about \$372,000,000. The additional money making up the \$395,000,000 is charged to operation and maintenance and sanitation.

Mr. STAFFORD. As I recall the original estimate of Gen. Goethals was \$360,000,000.

Mr. FITZGERALD. Three hundred and seventy-five million dollars.

Mr. STAFFORD. So the canal proper in its construction has been completed within the original estimated cost?

Mr. FITZGERALD. Within the original estimate.

Mr. STAFFORD. And the other expenditures are chargeable to maintenance and for projects not within the original concept of the canal?

Mr. FITZGERALD. After the canal was opened all of those items were charged to construction account.

The Clerk read as follows:

For continuing the construction and equipment of the Panama Canal, including \$1,000 additional compensation to the Auditor for the War Department for extra services in auditing accounts for the Panama Canal; for the completion of one dock at Cristobal (No. 6) at a total cost not exceeding \$1,500,000; and toward construction by contract or in navy yards complete in every detail of two seagoing coal barges at a total cost not exceeding \$800,000 each under a contract or contracts hereby authorized therefore: *Provided*, That the authority contained in the act approved July 1, 1916, for the construction of two colliers is repealed and the sum of \$1,100,000 appropriated therein toward the construction of the said colliers, or so much thereof as is unexpended, is made available for use in the construction of the coal barges authorized herein, \$2,755,000.

Mr. MILLER of Delaware. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MILLER of Delaware. Mr. Chairman, I want to ask the chairman of the committee a question. The paragraph says that the amount appropriated under the act of July 1, 1916, or so much thereof as is unexpended. Do I understand by that some of the money has been spent on these colliers in building them or only on the plans?

Mr. FITZGERALD. It was incorporated in the lump appropriation which included other matters, so that the unexpended balance of that appropriation may not in any way be tied up.

Mr. MILLER of Delaware. Then no money was expended in drawing up plans for these colliers which would be wasted if transferred to the barges?

Mr. FITZGERALD. No. The committee authorized the construction of colliers costing originally \$1,300,000. At the request of the department the limit of cost was increased to \$1,500,000, and then the committee was requested to increase the limit of cost to \$1,900,000 each. Now, the canal authorities say that instead of building these two colliers, which probably could not be built for \$1,900,000 each, that if they are given authority to construct two sea-going steel barges at a cost of \$800,000 each that these barges can be towed by the two colliers which the canal now has and in that way adequate facilities provided for the furnishing of the coal supply for some time to come.

Mr. MILLER of Delaware. Then under the act of July 1, 1916, no money was expended on these colliers?

Mr. FITZGERALD. None whatever.

Mr. MILLER of Delaware. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Illinois reserved a point of order.

Mr. MANN. Mr. Chairman, I did not hear all the gentleman from New York stated to the gentleman from Delaware. Last year we provided two colliers at a cost of \$650,000 each.

Mr. FITZGERALD. \$1,500,000 each.

Mr. MANN. Last year in this bill we provided two colliers at \$650,000 each.

Mr. FITZGERALD. At \$1,500,000 each.

Mr. MANN. \$1,300,000 each.

Mr. FITZGERALD. We increased the limit of cost.

Mr. MANN. That was increased in the deficiency bill.

Mr. FITZGERALD. It was in the deficiency bill. Then the request was made to increase the limit to \$1,900,000 each. Now, the canal authorities state that if two steel barges are built which can be towed by the two colliers which are now in operation, it will furnish them with adequate coal-carrying capacity to furnish the canal for some time to come with coal.

Mr. MANN. It is a long ways to tow a coal barge. Are they satisfied they can tow them?

Mr. FITZGERALD. We inquired about that and they stated there would be no difficulty in towing the type of barge that was contemplated here, and that it would be much more economical and entirely satisfactory and would be about \$2,200,000 less than

the building of the two colliers. It was also stated, when inquiry was made as to the possibility of utilizing these barges in connection with the colliers operating with the fleet, that they could be utilized under such circumstances also.

Mr. MANN. The sundry civil bill last year carried an item of two colliers at \$1,300,000 each. I suppose that was the act of July 1. That act you propose to repeal. If you increased the limit of cost to \$1,500,000 subsequently, that act would be repealed.

Mr. FITZGERALD. I think not, because the authority to construct was in the sundry civil act.

Mr. MANN. I do not recall.

Mr. FITZGERALD. It was increased subsequently, and a request made to increase it further.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For maintenance and operation of the Panama Canal, salary of the governor, \$10,000; purchase, inspection, delivery, handling, and storing of material, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation act approved September 7, 1916, to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal, \$9,000,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal act.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the proposition with reference to paying these lump sums to aliens who have been injured on the canal?

Mr. FITZGERALD. It is to pay certain alien laborers who are injured a lump sum and send them back to their own country. We have some cases where some alien laborers were injured and no provision made for them, and it is desired to pay them small sums of money so that they may return to their own country.

Mr. MANN. Are they covered by the compensation act?

Mr. FITZGERALD. I think not. Aliens are not included, my recollection is, within the terms of the compensation act.

Mr. MANN. Well, we carried in the Panama Canal act authority for the President to issue orders providing for compensation of employees on the Panama Canal. Of course the recent compensation act has not taken effect down there yet, so far as any payments are concerned, but I suppose that covered alien employees as well.

Mr. MONDELL. If the gentleman will yield to me, my recollection is these are some alien employees who were injured before the passage of the compensation act.

Mr. MANN. Before the passage of any compensation act? We have had a compensation act in force for a number of years. The first was the old employees' compensation, and then special provision in the Panama Canal act. Now there is a new compensation act.

Mr. FITZGERALD. It is stated they have about 200 of those aliens who were injured before there was any authority to make compensation for them.

Mr. MANN. That was a long time ago.

Mr. FITZGERALD. Yes. They have 200 of them, and it is intended to expend about \$10,000, giving them a certain sum and sending them back to their own country.

Mr. MANN. That is practically giving them money enough on which to go home and have a little left when they get home?

Mr. FITZGERALD. Yes. The statement was made that if those persons had been injured after the act went into effect authorizing compensation it would take about \$90,000 to pay them what they would be entitled to under the act.

Mr. MANN. I will withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, \$700,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 188, line 6, after the word "practicable," insert the following: "And including additional compensation from May 10, 1916, to any officer of the United States Public Health Service detailed upon the Panama Canal as chief quarantine officer."

Mr. MANN. I reserve a point of order on the amendment.

Mr. FITZGERALD. Under a ruling of the comptroller it is impossible to pay the public-health officer detailed as chief quarantine officer on the Panama Canal Zone compensation fixed in the Panama Canal act for that place.

Mr. MANN. Well, why?

Mr. FITZGERALD. I will read an elaborate opinion to the gentleman.

Mr. MANN. All right. Do not these health officers receive extra compensation when they are serving outside of the United States?

Mr. FITZGERALD. They have received this extra compensation right along, and they received it for some time under the Panama Canal act; but the comptroller recently discovered that for some reason, detailed in his opinion, under another statute, as this officer was receiving \$2,400 a year as public-health officer, he could not receive any additional compensation.

Mr. MANN. Well, why should he?

Mr. FITZGERALD. The law fixes it that way.

Mr. MANN. The law says he shall not receive it, and the law says he shall receive it.

Mr. FITZGERALD. He likes the law that provides he shall. Every Army and Navy officer on the canal assigned to a position in connection with the operation and maintenance of the canal receives compensation in excess of his Army and Navy pay.

Mr. MANN. Very likely. And every health officer, and there are a number of them serving outside of the confines of the United States, receives extra compensation. Now, does this health officer at Colon receive more compensation than a health officer down on the west coast?

Mr. FITZGERALD. His pay as officer of the Public Health Service is \$240 a month, but as chief quarantine officer he would receive \$375 a month. It is a difference of \$135 a month.

Mr. MANN. He is very much interested in it.

Mr. FITZGERALD. Very much, indeed.

Mr. MANN. Is it higher pay than the health officers receive down on the west coast?

Mr. FITZGERALD. It is.

Mr. MANN. Which is a much more dangerous place than Colon, which is now quite healthy. A health officer that goes down to the yellow-fever district on the west coast—

Mr. FITZGERALD. Nobody thinks about him.

Mr. MANN. I am thinking about him.

Mr. FITZGERALD. It is evident the gentleman is thinking about him; but there is no provision made to pay him additional compensation.

Mr. MANN. There is no provision to pay this man. That is the reason the amendment is offered.

Mr. FITZGERALD. This man was caught under the provision that was enacted to prohibit the payment of two salaries when the compensation was in excess of \$2,000.

Mr. MANN. This is one of the cases I warned the gentleman about when he put through a very bad provision.

Mr. FITZGERALD. I admit it.

Mr. MANN. I want to make another. We passed a law a few years ago over my protest providing that a man who got over \$2,400 a year, was it?—maybe over \$2,000 a year—could not get an extra salary anywhere. I said to the gentleman nobody knew whom it would hit, and we have been making exceptions to it ever since. There were a number last year by special act, and now we are doing it again.

Mr. FITZGERALD. We made some exceptions; but we found a great number of cases that were very vicious and where no exception has been made.

Mr. MANN. I never heard of any except one.

Mr. FITZGERALD. I will tell the gentleman of one, a very notorious one. There is an employee in the office of the Superintendent of Public Buildings and Grounds in Washington. His compensation is either \$2,400 or \$3,000 a year. The Lincoln Memorial Commission, upon the theory that this man in some way was in charge—supervising or superintending, or looking at the Lincoln Memorial in the course of erection—voted him \$600 additional compensation out of the appropriation for the construction of the memorial.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. For one man you add \$600, and on the strength of that add \$2,500 to another man. That is great economy.

Mr. FITZGERALD. Does the gentleman withdraw the point of order?

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, \$13,055,000, to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and

other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications, colliers, Dock 6 at Cristobal, coal barges, and repairs, alterations, and reboiling of steamships *Ancon* and *Cristobal*, and exclusive of the fair value of the American Legation building in Panama, and exclusive of the amount used for operating and maintaining the canal, and exclusive of the amount expended for sanitation and civil government after January 1, 1915, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. MONDELL. Mr. Chairman, before we leave the appropriations for the Panama Canal I want to call attention to the fact that the committee in its recommendations very greatly reduced the estimates. The estimates amounted to \$19,787,000 in round figures. The committee recommended \$13,055,000, or a little more than \$6,500,000 reduction in estimates of over \$19,000,000.

Some of these reductions have already been called to the attention of the committee. They were due to the fact that we are not to construct the colliers, the construction of which was contemplated and heretofore provided for. A very considerable reduction also is due to the fact that we are not to build a new and very fine Hotel Tivoli. Quite a considerable reduction is made in an estimate for the quarters for silver employees, and so on through considerable items that are very properly dropped, in my opinion.

But over and beyond that, my opinion is that the committee in its recommendation has cut these estimates pretty closely in quite a number of cases. My idea is that there are a number of items of appropriation that the committee has failed to provide for that should have been provided for. The public service in connection with the canal will not suffer, however, by reason of any of the reductions made. Sufficient money is appropriated to run the canal, to operate the canal. The question is, How far shall we go and how fast shall we go in the matter of this or that improvement?

That question is further complicated by this very interesting question: When is a canal a canal? In other words, when is the Panama Canal finished? When do we cease to charge expenditures to the canal construction and begin to charge them to the operation and maintenance? And what items should be charged to construction and what to operation and maintenance?

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MILLER of Minnesota. I was there some years ago and then again recently. I noticed that in the last two or three years they had been building quite extensively quarters for canal employees out of reinforced concrete, very nice looking; and I recently noticed that they had changed the type of reinforced concrete to wooden construction, due, as I was informed, to the failure of appropriations. Might I inquire if the committee has considered the subject of the kind of structures to be erected down there permanently for employees? Has the committee decided to construct any more reinforced concrete buildings?

Mr. MONDELL. I do not recall that the committee has so decided, and I did not know that there was a modification in the plan of construction. As a matter of fact, my understanding was that we had practically completed quarters in concrete for all the gold employees. The question arose, Shall we provide quarters for the silver employees?

Mr. MILLER of Minnesota. I am referring to the gold employees, and by "gold employees" the world knows we mean whites.

Mr. MONDELL. My recollection is that we had practically provided for all the quarters for the gold employees in concrete.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TREADWAY. Will the gentleman yield?

Mr. MONDELL. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. I saw myself some 15 or 20 houses in process of construction, of lumber instead of reinforced concrete, and I was informed that the remainder of the buildings would be constructed of lumber.

Mr. MONDELL. My recollection is that we have appropriated for all the quarters necessary for the gold employees, with the understanding that those quarters were to be constructed of concrete. If they are now constructing some of these quarters,

temporary quarters, of lumber, that is something that was not brought to our attention.

Mr. FITZGERALD. We constructed in the gold town quarters out of concrete.

Mr. MILLER of Minnesota. Those are at Balboa, in the very center of the best reinforced concrete structures down there. In the very center of the area now occupied by those structures there are now being constructed quite a number of frame buildings. It occurred to me that there might be some danger of fire with respect to those wooden buildings.

Mr. TREADWAY. Now, Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. TREADWAY. The gentleman has been talking about expenditures and revenues. Has the gentleman any information about the receipts from the canal tolls?

Mr. MONDELL. I think the gentleman from New York [Mr. FITZGERALD] can supply those figures. I can give them to the gentleman in round figures, but I think the gentleman from New York has the details.

Mr. TREADWAY. It would show the net cost to the Government—the difference between the receipts and the expenditures.

Mr. MILLER of Minnesota. I was told that they are now running ahead about \$2,500 a month, and had been for a year.

Mr. MONDELL. Now, the question is, How much more construction should be carried forward on the Canal Zone and charged to permanent canal work, charged against the general estimates of the cost of the canal? It is a question whether the new Hotel Tivoli, if desired, should be such a charge. If we are to build permanent quarters for the silver employees, they certainly are a part of the construction of the canal, and that is true of a number of the other structures.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PLATT. That last time I saw the Hotel Tivoli I was told that it was being gradually eaten up by ants.

Mr. MONDELL. That is the case, and eventually it must be torn down or replaced. But I think it will be good for quite a number of years yet.

Mr. PLATT. They said it would be necessary to rebuild it in a few years.

Mr. MONDELL. The committee did not feel justified in recommending the construction of a new concrete hotel at this time.

Mr. MILLER of Minnesota. Will the gentleman inform the committee whether that new hotel at Colon—the George Washington—has been a paying proposition?

Mr. MONDELL. It has not been a paying proposition, and it is not expected that it will be a paying structure in the near future. On the other hand, the Tivoli does pay.

Mr. MILLER of Minnesota. Having some knowledge of the prices that they charge at that hotel, I should say that if they get one guest a month it would enable them to pay a very fair rate of interest on their bonds.

Mr. MONDELL. While their prices may be high, the expenses are high, and the hotel has never paid.

I think we should have allowed some of the estimates that were not allowed, because I am of the opinion that we should press the construction of the canal to completion. We have failed to provide for some items that I think are properly considered a part of the permanent canal structure.

Mr. MILLER of Minnesota. Can the gentleman inform the committee if the Hotel Tivoli is a paying proposition or not?

Mr. MONDELL. The Hotel Tivoli, as I understand, pays a little.

Mr. MILLER of Minnesota. That is a very good argument in favor of reasonable charges and magnificent service, because the Tivoli gives both.

Mr. MONDELL. I am glad to hear that. When I was at the Tivoli last the charges were fairly elevated.

Mr. MILLER of Minnesota. I beg the gentleman's pardon. They are mucho de bajo, to use a Spanish expression, as compared with the charges at the George Washington.

Mr. FITZGERALD. I will put into the Record the statement that the total canal tolls are \$8,895,000.

Mr. TREADWAY. May I ask the chairman if he has any estimate of the cost of the removal of the recent slides?

Mr. FITZGERALD. Yes.

Mr. TREADWAY. I take it there is no part of this \$13,000,000 that we are appropriating in this bill for those slides?

Mr. FITZGERALD. No.

The Clerk read as follows:

In addition to the foregoing amounts there is appropriated, out of any money hereafter received as tolls, before such money is covered into

the Treasury as miscellaneous receipts, amounts necessary to refund to the parties entitled thereto amounts which heretofore or may hereafter be erroneously received as tolls and covered into the Treasury as miscellaneous receipts.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. STAFFORD. I wish to inquire how frequent are the mistakes in the way of overcharges in the matter of tolls on vessels going through the canal? I understand it is sought to give to the administrative officials the privilege of refunding some of the excess charges.

Mr. FITZGERALD. The trouble is that tolls were collected under the canal rules which are different from the rule that is now the legal rule in the United States, and they have to refund the excess payments.

Mr. STAFFORD. I do not understand the gentleman.

Mr. FITZGERALD. I am not surprised at that.

Mr. STAFFORD. I am surprised, because I always understand the gentleman in his elucidation of any item in the bill.

Mr. FITZGERALD. The canal rules provided for a certain method of measurement and collection of tolls. That method of measurement, adopted by the canal authorities, was different from the method of measurement which is the legal measurement in the United States under the regulations of the Commissioner of Navigation. Ships starting from the United States intending to go through the canal pay the tolls before they leave the United States port. They do not pay them at the canal. A ship leaving New York for some place requiring it to go through the canal pays the tolls at the port of New York. Toll has been paid under the canal rules which are in excess of what they were legally entitled to collect, and they want authority to refund the amount of the overcharge.

Mr. STAFFORD. As I understand, the commission has not changed the basis of measurement that was adopted some years ago.

Mr. FITZGERALD. It has not. It has been hoping that Congress would legalize that method of measurement and enable us to collect from foreign ships on same basis as from American ships. Under the system by which the tolls are now legally collected American ships are discriminated against.

Mr. STAFFORD. Do I understand that there is a different basis of toll charges applicable to vessels of American registry than to those of foreign registry?

Mr. FITZGERALD. Under the rules of measurement in force in the United States some types of vessels do not have counted in their cargo capacity certain deck spaces, and the cargo carried on those deck spaces is not charged for under the rules legally in force in the United States. Certain types of vessels have been built with a view to avoiding as much as possible the Suez Canal tolls. When they pass through the Panama Canal their deck space is excluded from the measurement, so that certain ships built abroad carry a part of their cargo without having to pay tolls, while ships built in the United States and under American regulations are charged for practically all of their cargo space.

Mr. MANN. That has nothing to do with this item, however.

Mr. FITZGERALD. No.

Mr. SHERLEY. If the gentleman from New York will permit me, I think I can clear the matter up. They collected tolls at Panama under a construction of the act which was subsequently changed. The result was that from the opening of the canal, in August, 1914, to January 15, 1915, these excess tolls were charged, and they owe a refund for a certain portion of the tolls collected during that period. Now, any subsequent change that might be made here as to the collection of tolls that did not come to the immediate knowledge of the canal officials might result temporarily in tolls being collected again that were not warranted under the law, and this provision is to permit the repayment of the sums due to various companies because of excess tolls charged under a mistake as to the law authorizing those charges.

Mr. STAFFORD. I should like to obtain the gentleman's view as to the statement made by the gentleman from New York [Mr. FITZGERALD] that ships of American registry under the system of toll charges are discriminated against over those of foreign registry.

Mr. SHERLEY. That is aside from this matter. I have never gone fully into the question that the gentleman now raises. It is my understanding, however, that certain ships are so constructed as to permit the carrying of a quantity of cargo above decks, which would not be figured into the tonnage capacity of the vessel, and that thereby those ships have an advantage over other ships not so constructed, and the canal authorities have for some years urged legislation looking to

making legal the canal system of toll charges first put into effect, which would result in charging on the actual rather than a theoretical tonnage capacity.

Mr. STAFFORD. Whether they be ships of foreign or American registry.

Mr. SHERLEY. That is not important, except it may be the fact that there are more ships of foreign registry so built as to enable them to get an undue advantage, but there is no discrimination in toll charges because of the registry of the ship.

Mr. STAFFORD. Reverting to the matter in the paragraph at hand, are these claims adjudicated so that the amounts are all known?

Mr. SHERLEY. The amounts are known; they amount to about \$300,000, and most of them occurred between the period of the opening of the canal in August, 1914, up to February, 1915.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of line 17, page 191, insert:

"That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal, the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist, or as they may be changed from time to time; and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged."

"Sec. 2. That all laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed."

Mr. MANN. I reserve a point of order on the amendment.

Mr. FITZGERALD. Does the gentleman from Illinois intend to insist upon his point of order?

Mr. MANN. I do not know what the amendment is.

Mr. FITZGERALD. It is the Adamson bill affecting the tolls on the canal.

Mr. MANN. I shall insist on it, at the request of the gentleman from Washington [Mr. HUMPHREY], who is not able to be here to-night.

Mr. FITZGERALD. Mr. Chairman, then I ask for a ruling.

Mr. AUSTIN. Will not the gentleman reserve it?

Mr. FITZGERALD. I will withhold it for five minutes. I would like to see the provision adopted, but if the gentleman from Illinois is going to insist upon the point of order, there is no use taking the time.

Mr. AUSTIN. Mr. Chairman, I read during the past year an interview with Gen. Goethals, in which he made the statement that under the existing administration of the Panama Canal a discrimination was made against American vessels in favor of foreign vessels which are using the Panama Canal. He submitted, as I understand, this matter to the Secretary of War, who made a recommendation for a correction of the injustice, and recommended to Congress that a bill be passed, which I now submit as an amendment to the measure under consideration. It is known as the Adamson bill and is now on the Union Calendar, with a favorable report from the Committee on Interstate and Foreign Commerce.

Originally we gave preference—free use of the canal—to American coastwise vessels using the Panama Canal, built at the expense of the American people, costing about \$400,000,000. Upon the recommendation of President Wilson the majority party in Congress repealed the free-toll provision. Now we find from the report of Gen. Goethals that we not only lose the free use of the canal for American coastwise vessels, but in the administration of the present law there is actually a discrimination against our own vessels, and that foreign vessels using our canal in competition as carriers with American vessels have a preference over our vessels. As a result the War Department asks for this legislation. If we are legislating for the interests of America and American vessels, what excuse can we have for not correcting this injustice to every American vessel that uses the Panama Canal? Why should an American Congress delay or hesitate to follow this recommendation, which is fair and just and honorable to our own people? Why should we build a canal, tax ourselves to build, fortify, and maintain it, and then have no advantage, but actually a disadvantage over our foreign competitors? Here is an opportunity to write a correction into the law at this session of Congress, and it is of such vital importance that there should be absolutely no delay.

The gentleman having the bill in charge [Mr. FITZGERALD] says that he believes the Adamson bill, which I offer as an amendment, should become a law. How can there be any question in

the mind of any patriotic American, any American lawmaker, any Member of this body, as to where our duty lies in this matter? We should all be for America first, last, and all of the time. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The point of order is sustained, and the Clerk will read:

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill if consideration has been given or any provision made for the construction of roads on the Panama Canal Zone or in the Panama Republic to assist in the defense of the Panama Canal?

Mr. FITZGERALD. Consideration was given to the item to which the gentleman refers, but no recommendation was made in this bill.

Mr. MILLER of Minnesota. Am I correctly informed that the committee is not in a position now where they think it advisable to construct any such roads?

Mr. FITZGERALD. The committee is not willing at this time to provide that it should be done. There was some difference of opinion.

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen of the committee, I would like to address myself to this subject for a very few minutes, and I would like the attention of the gentleman in charge of the bill. I know it is ordinarily the custom for one who suddenly becomes acquainted with a set of facts to become enthusiastic and to act or advise or propose without due consideration, and perhaps not very much sense.

In order that I may be perhaps relieved of that charge in connection with what I am about to say upon this subject, I hope I may be permitted to say that I have followed with more than ordinary interest the question of the defense of the Panama Canal from the time we debated whether we should defend it or not up to the present time. As other Members of Congress have, so have I, gone over the various fortifications of the canal. On horseback I have ridden over the trails of the Panama Canal Zone viewing the features necessarily important in connection with the defense of the canal. I have had the privilege of visiting the fortifications that are now constructed and, with military experts, I looked over the proposed changes to perfect the fortifications of the canal, and were I not convinced that something of a new nature is absolutely necessary, I would not take the time of this committee at this hour to discuss the subject. I do not imagine for a moment that anybody is going to adopt any radical change, but I do think that we ought to urge upon the committee in charge of the fortifications and appropriations that we should give some heed to the latest military scientific opinion upon the subject of the defense of the canal.

We have built the canal primarily, I believe I am justified in saying, for military purposes. With its existence we say in one sense we double our fleet. At all events, we make it available for united effort upon the Pacific or on the Atlantic. If, however, it is to be of any value to us, the canal itself must be there and under our flag. If the canal is put out of commission or passes into the hands of the enemy or anybody else, we have lost any advantage it could possibly be, and the fact that we have a railroad upon it will no doubt prove to our disadvantage should that eventuality occur.

The defense of the Panama Canal Zone—and I know what I am saying—is viewed by military experts of our Government as the most difficult feature of the entire defense of the United States. They have been able to work out nearly all of the other military problems of this country somewhat to their satisfaction, but up to this hour they are not able to state how they can, with the forces now at their disposal, adequately defend the canal should it suddenly be attacked. I happened to be along with the Committee on Interstate and Foreign Commerce, although I was not a member of that committee, when it made its historic trip to the Canal Zone in 1911 for the purpose of making mature and complete investigations of conditions there, having elaborate hearings that they might have information upon which to frame permanent legislation for the government of the canal. I believe it was there first suggested by Gen. Goethals that the best defense of the canal rested in the jungle that was there. I have been informed that Gen. Goethals is not the author originally of that theory. At all events, he is an indorser of it, and a most responsible indorser. I have been informed—I do not know how reliably, and gentlemen are here who can controvert it if I am not correct—that it has been the opinion of the committees of Congress that the opinion there suggested is probably correct. I recall with equal distinctness when I heard Gen. Goethals make that statement—

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. SIMS. Mr. Chairman, it is quite late to have an academic discussion of the fortifications of the Canal Zone.

The CHAIRMAN. Is there objection?

Mr. SIMS. I object. There is nothing before the House on this question.

Mr. MILLER of Minnesota. Do I understand the gentleman to object to the discussion of this subject?

Mr. SIMS. Not to a discussion of the subject generally, but we can not legislate on it here to-night, and what is the use?

Mr. MILLER of Minnesota. The committee can legislate if it sees fit.

Mr. SIMS. I withdraw my objection on account of my esteem for the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, I recall that at the same hearing a very distinguished Army officer stated with reluctance, nevertheless with firmness, that he differed with the military opinion of Gen. Goethals. However, it has been adopted that the jungle would be considered a means of defense. That was erroneous in the opinion of a great many military men at the time it was adopted. It is a thousand times more erroneous now, and why? An enemy seeking to take or injure the canal can perform their object long before they ever get to it. High-powered guns, now used by all of the armies of the world, would be able to destroy the locks of the canal long before the men who are discharging these guns ever reach the Canal Zone.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. KELLEY. How does the gentleman think the canal would be likely to be attacked, by land or sea?

Mr. MILLER of Minnesota. It is absolutely safe from attack by sea. The only problem is to protect it from a land attack, and we do not need to worry at all about keeping back the fleets of the world. We do need to have deep concern about keeping from the Canal Zone not a handful or a dozen men, but an expeditionary force of fifteen or twenty or twenty-five thousand men who can land at convenient places on either coast and march to the Canal Zone.

Gentlemen have said, after having read Escamalia's account of an early attempt to pass through the jungle of the Canal Zone region, that an expeditionary force can not go through; that, should they try it, mosquitoes and malaria would work havoc, and that they would be the greatest aid that we could have. Some gentlemen did not believe in that, and a year ago they tried it out. An army of the United States, 2,000 strong—quite an expeditionary force, with Artillery, with Cavalry, with Infantry—made 40 miles in four days through the jungle, and the worst part of the jungle at that.

Mr. MONDELL. That was after the trails had been cut.

Mr. MILLER of Minnesota. It was not. The gentleman is mistaken about that. They utilized some of the old trails, but in most instances they had to enlarge, and in some cases they had to make new ones. They of course did not go over the old trails altogether. There are some old trails there which anybody can travel from one coast to the other.

Mr. MONDELL. They have cut some new trails.

Mr. MILLER of Minnesota. They did both at the time they made the expeditionary attack. It seems to me plain, as has been emphasized by military men over and over again, that we must have the capacity in the Canal Zone of rapid concentration of our troops, rapid mobilization, to keep back an enemy should he land and attempt the overland method of reaching the Canal Zone. To do this we absolutely must have a system of roads leading from the zone out into a certain section of the Panama Republic, perhaps to the coast.

I do not know and do not pretend to express an opinion as to whether the best kind of a road is a wagon road built in conjunction with the Republic of Panama to partly develop the splendid resources of that undeveloped country, or whether we should construct along the coast, on the western and eastern side, railroads for the transportation of ordnance and troops to keep back an attack. But one thing is certain: There must be abandoned the idea that we can sit huddled up and the jungle will keep off a foe. Why, a traveler to the Gatun Locks—and we might as well speak out in meeting, because we can not deceive the world if we try—will see in the far distance on a hilltop a clearing. He asks, "Why is that clearing; what is it for?" And he is secretly told there are some rifle pits, trenches, to keep an enemy from blowing up the Gatun Locks. Good God, an enemy would blow up the locks 3 or 5 miles away before he

ever reached the rifle pits, far beyond any capacity of armed forces in the rifle pits.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Chairman, there is nothing pending just now, and I do not wish to precipitate a discussion of these matters at this time under existing circumstances. I wish to make a very brief statement, so that there will be no misunderstanding of the position of the committee. I hope there will not be a prolonged discussion.

Mr. Chairman, the Committee on Appropriations has not been indifferent to the question of the defense of the Panama Canal. After the Congress decided that the canal should be fortified the committee practically acquiesced in everything recommended by the military authorities, with perhaps two exceptions. One is the appropriation of nearly \$700,000 for the construction of military roads. About a year ago it was recommended that a system of military roads be constructed so that our mobile forces could be moved to certain distances either side of the center of the prism or the canal to meet a possible approaching enemy. It was stated at the outset that the open savannahs on the Pacific side afforded a great menace because of the ease of the transportation of troops and that the jungle in the rest of the Canal Zone was a protection.

Now, it is submitted that the open savannahs are an advantage in that they enable us to move our troops rapidly and the jungle is no protection because troops can move rapidly through them. I am familiar with the expeditionary force that is supposed or did actually move 40 miles in four days through the jungle. They were assisted in the first place by a force of natives expert in the handling of machetes, who could cut a trail with an expedition that the American troops can not and no other troops can do. Again, after a certain body of men went over one of the trails, they became so soft that a new trail had to be cut for the next portion of this expedition of 2,000 men, and my information is gained from men who were in the expedition. As to the necessity of protecting the canal by this system from a land attack, there is a difference of opinion among military experts. It seems to be agreed that the character of our defenses is such that no possible naval force would ever be able to reduce them, but if the canal is to be taken, it will be taken in one of two ways, either by a land expedition or by starvation of the canal population. The best and latest military opinion is that no military power will ever waste the time to take the canal by land expedition, that so long as the American fleet is not cooped up or is free, that no power, however great, can dare risk a military expedition against the Canal Zone. But whenever the American fleet is either destroyed or cooped up in some place, it will not be necessary to send a military expedition, because the canal can not hold out more than six months. We have already provided provisions for six months for the canal population, and the population of Colon and Panama, and if the communication between the United States and the Canal Zone are discontinued for a period of six months, the people there will be starved out, and it will require no great military force to compel them to surrender. They must give in to anyone who goes there and is ready to feed them. If our fleet be destroyed, or our fleet is so cooped up as to become inoperative, the best expert military opinion is that no military nation will waste its time sending a military force to the Panama Canal which will be of no particular value when it does it; it will not send a great force of men to take something that we can not utilize, because we have no fleet.

They will do what will be of some particular military advantage. They would send a military expedition to the United States itself if they thought it were possible to utilize it advantageously.

With such conflicting views, and with the possibility and the feasibility and the practicability of those views that have been pressed, the committee has been reluctant to recommend at this time the expenditure of about \$700,000 for military roads. I am free to admit that in providing for the defenses of many of our outlying possessions during the past six or seven years I have voted appropriations for various purposes which did not commend themselves to my judgment, but after the matter had been thrashed out I did what I supposed most men would do under the circumstances—acquiesced in the urgings of the military authorities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. May I have just a minute more?

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. FITZGERALD. I have no doubt the policy of the Committee on Appropriations and the policy of the Congress will be from time to time to vote such moneys for military purposes, both at Panama and the Hawaiian Islands, and the Philippines, as the best military opinion may insist is essential. We have already appropriated for the defenses of the Panama Canal in excess of \$19,000,000, and we carry several millions in this bill. When the discussion first arose as to the defense of the canal, \$12,000,000, if I recall correctly, was the amount stated to be required. Although we have spent \$19,000,000 for the defense of the canal, if the recommendations of the War Department are carried out, within two or three years we will appropriate about \$14,000,000 to accommodate the troops it is said will be necessary in the Canal Zone. There is a difference of opinion as to the absolute necessity for such provision. But, in the long run, my experience has been that after the military authorities have had an opportunity to revise and review and finally conclude the plan deemed best, Congress upon the recommendation of the Committee on Appropriations acquiesces in that military view, and I know of nothing else that as sensible men we can do.

Mr. FERRIS. How long has the Panama Canal been opened and in use?

Mr. FITZGERALD. It was opened, I think, in 1914.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that he may have one minute more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from New York may have one minute more. Is there objection?

There was no objection.

Mr. FERRIS. Opened in 1914?

Mr. FITZGERALD. Opened in 1914.

Mr. FERRIS. About three years?

Mr. FITZGERALD. About three years.

Mr. FERRIS. How much has been expended, all told, roughly, for fortifications?

Mr. FITZGERALD. Nineteen millions of dollars.

Mr. FERRIS. And what is the current expense, the annual current expense, of keeping the fortifications there?

Mr. FITZGERALD. I do not recall those figures.

Mr. FERRIS. Roughly, how much is it?

Mr. FITZGERALD. I can not state. I do not remember.

Mr. FERRIS. What per cent of the time since the canal was opened has it been closed due to slides and other difficulties? What I am trying to get at is just how practical it is.

Mr. FITZGERALD. The canal is practical. The slides that took place were anticipated. There was a certain amount of material it was known would eventually go into the prism of the canal. It has been calculated pretty accurately about how much is likely to go in again, and it is believed there will be some interruptions from time to time of the traffic. But there will be, so far as possible to predict, based upon the best engineering and other scientific information, no blocking of the canal of a very serious character.

Mr. FERRIS. Has there been any actual computation made as to just what per cent of the time it has been out of commission?

Mr. FITZGERALD. They know exactly the time it has been closed, but I do not recall those figures.

I wish to add, Mr. Chairman, that what I have said accounts for the fact that the committee has not at this time recommended the appropriation that would be required for the extensive system of military roads that was recommended.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I regret to take the time of the House at this late hour for a discussion. [Cries of "Vote!" "Vote!"] Nevertheless, I propose to do it if the gentlemen will listen.

This is a very important subject, this matter of the fortification of the Panama Canal and its protection, and it is a subject that will grow increasingly important as the bills pile up. When we were discussing the question of the fortification of the canal I was one of those opposed to the canal being fortified. As the time has passed and the fortification work has gone on, and we have heard from the naval and military experts with regard to the matter, my conviction has grown stronger and stronger and stronger that we made a great mistake when we put the first gun on the Panama Canal and that we will live to regret that mistake. In my opinion the canal would be best fortified and best protected if there was not a gun on it. But I accepted in good faith, as a Member of the House, the decision of the House and of the American people that the canal should be fortified, and I have worked with the committee in good

faith looking to the carrying out of the plan of the fortification proposed by the military authorities. As the gentleman from New York [Mr. FITZGERALD] has stated, we have allowed practically every estimate that has been made, save, and alone, the estimate for the building of roads from the canal to the coast on either side, and we have withheld that appropriation because we have not been certain whether those roads would be more advantageous to us in getting to the coast than they would be to the enemy in getting to us. As a nonmilitary man, as I look at it, it is just about an even question. We have appropriated for the fortification of the Panama Canal, including the appropriation carried in this bill, nearly \$25,000,000. I said when we were discussing the question that it would cost \$50,000,000 to fortify the canal and build barracks and quarters.

Everyone thought that was a very extravagant estimate. The present estimate, it is true, is only \$40,000,000, as stated by the gentleman from New York, but I have no doubt that by the time we are able to say that our plans down there are completed we shall have expended \$50,000,000. We will then be maintaining on the canal a force of from 25,000 to 27,000 men. That will involve an annual outlay for the protection of the canal of about \$32,000,000. Thirty-two million dollars is the price we shall pay every 12 months for the privilege of holding the canal as a fortified base, and after all is said and done, as the gentleman from New York has told you, we will only hold the canal so long as we are masters of the Caribbean and of the Pacific end of the canal, for whenever we lose control of the sea an expeditionary force of no very large numbers can take the canal. Possibly that will not be attempted, but an expeditionary force of any considerable size can take the canal, and if that is not attempted, as the gentleman has told you, the canal can be starved out in six months. So that, after all, this enormous expenditure for fortifications and for barracks and quarters, the beginning of an annual toll of enormous proportions, is only for the purpose of holding the canal six months after we have lost control of the sea. We must keep control of the sea.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The Clerk will read.

The Clerk read as follows:

For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, \$7,500.

Mr. NORTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. Mr. Chairman, I ask that I may continue for five minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FITZGERALD. I hope the gentleman will not press his request at this hour.

Mr. NORTON. As I said, I do not desire to take up much time. I just desire to continue for five minutes. I have not taken up much time on the bill.

Mr. FITZGERALD. The gentleman is not discussing anything that is in the bill.

Mr. NORTON. I am discussing this very proposition.

Mr. FITZGERALD. Mr. Chairman, I shall have to object.

The CHAIRMAN. The gentleman from New York objects. The Clerk will read.

The Clerk read as follows:

For the construction and development of an aeronautic station on the Canal Zone, \$250,000.

For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$468,000.

Mr. NORTON. Mr. Chairman, I should like to ask the chairman of the committee a question.

The CHAIRMAN. The gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. May I inquire of the chairman Is it not directly opposite to the action of the Appropriations Committee that the President has ordered that the employees of the Panama Canal be given free rent, free light, and free heat, or is that with the approval of the gentleman's committee?

Mr. FITZGERALD. I do not know that the President requires the approval of the Committee on Appropriations for what is done by him. Some years ago it was proposed to construct certain quarters for the gold employees on the Canal Zone. The committee were requested to report an appropriation of about \$2,000,000 to construct concrete quarters. The understanding was that a charge would be made for the quarters and for light. That charge was made. Some time ago the President, under an opinion rendered by the Attorney General that

he had the power to do so, suspended the order under which those charges were made.

Mr. NORTON. The President made this order just last June.

Mr. FITZGERALD. It went into effect the 1st of July, and although I have not seen the opinion, I understand that it is the opinion of the Attorney General that he had the power to do so, that it was within his discretion. It may be unfortunate perhaps, but under the Constitution the President does not have to obtain the consent of the Committee on Appropriations in order to exercise the discretion reposed in him under the law.

Mr. NORTON. Does the gentleman think, in view of the salaries paid to employees down there, that they should have free rent, light, and heat, and have their gardens attended to for them free?

Mr. FITZGERALD. My opinion is that the employees ought to pay the very reasonable charges for the quarters with which they were furnished.

Mr. NORTON. I am glad to hear the gentleman take that position.

Mr. FITZGERALD. They are better quarters than most of the employees ever occupied before. The charge was simply sufficient to cover the cost of maintaining the quarters and collecting the refuse from them—\$14 to \$18 a month gold. A single room in Panama costs \$5 a week gold. But the President, for reasons within his knowledge and not within mine, exercised his discretion and suspended the operation of the order.

The Clerk read as follows:

SEC. 2. That to provide during the fiscal year 1918 for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees (except employees of the Panama Canal on the Canal Zone) who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. Moore of Pennsylvania offers the following amendment:

Page 194, line 25, after the word "salary," insert the words "or wages."

Page 195, line 2, after the word "salary," insert the words "or wages."

Mr. MOORE of Pennsylvania. Mr. Chairman, this section provides for a horizontal increase in the wages of employees who receive salaries. It is intended to benefit those who receive \$1,200 or less per annum by giving them an advance of 10 per cent, or those who receive up to \$1,800 per annum by giving them an advance of 5 per cent. I presume these various amendments to increase the pay of employees here in the District of Columbia and elsewhere are intended to benefit those low-paid employees of the Government who are now seriously affected by the high cost of living. And I assume that those who ought to be benefited most of all are the wage earners, who may, legally speaking, be in a different class from the salary earners. This paragraph provides increases only for those employees who receive salaries, and I offer an amendment suggesting that the language be added so that it shall cover those who receive wages as well. The wage earner is the one to be helped by this amendment. I am confident that the intent of Congress is to benefit the wage earner. The "salary" earner is specifically provided for, but the "wage earner" may be left out—

Mr. MANN. Do not all employees of the Government, under the language ordinarily used, receive "salaries"?

Mr. MOORE of Pennsylvania. No; there are those who work by the hour and those who work by the day. I have in mind now a special class of Government employees who receive so much per hour for their work. They are not salaried employees in the sense that this language would imply.

Mr. SHERLEY. The comptroller has held to the contrary.

Mr. MANN. Are they not salaried employees in the sense that we use the term? If the gentleman's amendment goes in, will it not be a distinction made by Congress in this appropriation bill which is not made in any of the other appropriation bills, thereby indicating that we are drawing a distinction between a clerk who draws a salary and a mechanic who is paid wages, when in fact we make no such distinction?

Mr. MOORE of Pennsylvania. I think what Congress wants to do is to increase the pay of the wage earners, not alone the

salaried men, as we understand salaried men. I can see no harm in stating this specifically in this bill.

Mr. FITZGERALD. There is this objection. The legislative and several other bills have been passed in this form, and the Comptroller of the Treasury has already decided in certain cases that the term "salary" includes the employees who get wages instead of salary. So that there might be no misunderstanding, I took the matter up with the comptroller, who informed me that under this language persons employed under this bill would receive the 5 and 10 per cent increase. I do not wish the House to adopt an amendment which might indicate to the comptroller that the word "wages" had to be in the paragraph or that class of employees would not obtain the increase. The adoption of this amendment would only tend to jeopardize the employees in other acts where the word "wages" would not be used.

Mr. MOORE of Pennsylvania. Let me get the gentleman's point. The gentleman thinks that it might prejudice wage earners in other bills. Is that the thought? Let me ask the gentleman this: The printers, for whom I offered an amendment a little while ago, are wage earners; they are not salaried men. Would they be covered by the language used in the bill?

Mr. FITZGERALD. The comptroller holds that they are salaried men, and he is the law officer who determines that question.

Mr. MOORE of Pennsylvania. The gentleman knows that it is important to have the status of the men fixed. I am willing to accept the gentleman's statement, that the department has ruled that the wage earner is a salaried man.

Mr. MANN. I want to ask the gentleman from New York a question. This paragraph provides that this section shall only apply to the employees—except employees of the Panama Canal on the Canal Zone—who are appropriated for in this act specifically. That means that they do or do not get the increase?

Mr. FITZGERALD. It is intended that they shall not. The law provides that they shall receive not more than 25 per cent in excess of the compensation paid for the same service in the United States, and the law has been construed to mean that they must receive 25 per cent additional.

Mr. MANN. I supposed when I read it that probably it was the intention of the committee not to give them the increase, but it seems to me the language compels them to get the increase. It says:

That this section shall only apply to the employees—

I leave out the parentheses—

who are appropriated for in this act specifically and under lump sums, or whose employment is authorized herein—except employees of the Panama Canal on the Canal Zone.

That takes them in; whoever else gets the increase, they must get it. You have put the parenthesis in the middle. If you put it in where it belongs, it makes the exception. This limitation which you make only applies to those who are appropriated for specifically in this lump sum, but you except from the limitation the employees of the Panama Canal.

Mr. FITZGERALD. We except them from the clause providing for the employees of the Panama Canal.

Mr. MANN. You first provide that every employee shall receive an increase.

Mr. FITZGERALD. The gentleman means that the exception should be transposed?

Mr. KEATING. Will the gentleman from New York allow me to suggest an amendment? To strike out the words in the parenthesis and insert, after the word "herein," "but shall not apply to employees of the Panama Canal on the Canal Zone."

Mr. MANN. That will do.

Mr. FITZGERALD. I move to strike out—

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to say that the explanation made by the gentleman from New York being satisfactory, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I move to strike out, on page 195, line 5, after the word "employees," the words "except employees of the Panama Canal on the Canal Zone," and insert, after the word "herein," in line 8, the words "but shall not include employees of the Panama Canal on the Canal Zone."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 195, line 5, after the word "employees," strike out "except employees of the Panama Canal on the Canal Zone," and on the same page, line 8, after the word "herein," insert the words "but shall not include employees of the Panama Canal on the Canal Zone."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1918, and all laws or parts of laws to the extent they are in conflict with the provisions of this act are repealed.

Mr. FITZGERALD. Mr. Chairman, I ask to take up the provision on page 57, which was passed over.

Mr. MANN. The reclamation provision?

Mr. FITZGERALD. Yes. I offer the following amendment.

The Clerk read as follows:

Page 57, line 14, after the word "eleven," insert "\$500,000 to be available until expended."

Mr. FITZGERALD. I will insert in the RECORD a letter from the Secretary of Labor explaining the necessity for the appropriation at this time.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the letter that he speaks of. Is there objection.

There was no objection.

The letter is as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 26, 1917.

MY DEAR CONGRESSMAN: Referring to our conversation yesterday relative to the appropriation now in the sundry civil bill for the United States Employees Compensation Commission, I desire to call your attention to the following figures:

The number of injuries to Government employees reported to this department since September 7, 1916, is 3,896. Of this number 2,500 formal claims have been made for compensation. The average amount of money paid last year was \$88.06 per claim. At this rate, with 2,500 claims on hand, it will require to pay them \$220,150. This does not include medical, surgical, and hospital services and supplies as provided by the act. These services and supplies would probably require \$120,000 more. In other words, there are now in our hands as claims against the \$500,000 appropriated and to be continued at least \$340,000. This does not include the Post Office Department, the Panama Canal, the Alaskan Engineering Commission, and the Coast Guard, all of which heretofore maintained a separate fund and paid their own injured employees, but which will now come under the purview of the Workmen's Compensation Commission when organized.

If I felt that the \$500,000 which you propose to continue would be sufficient to carry the claims through until the convening of the next Congress in December, I would not bring it to your attention at this time; but the figures I have presented, based on the claims already filed with this department, make it apparent that the amount of money carried in the appropriation would not meet the claims beyond the end of the present fiscal year. I therefore have the honor of suggesting that in addition to the current appropriation, an appropriation of \$500,000 be made for this purpose for the fiscal year 1918.

In view of the fact that the compensation commission has not as yet been organized, I feel confident that the \$50,000 appropriated for administrative purposes will at least be sufficient to carry on the work of the commission until the first regular session of the next Congress convenes.

Respectfully, yours,

W. B. WILSON, Secretary.

Hon. JOHN J. FITZGERALD,

Chairman Committee on Appropriations,

House of Representatives, Washington, D. C.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, on page 69, to the paragraph referring to the memorial to Ericsson, I offer the following amendment:

The Clerk read as follows:

Page 59, line 6, after the sum "\$35,000," insert a semicolon and the following: "And in addition to the foregoing amount the commission is authorized to accept and to expend such sums as may be donated for the memorial."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I also offer the following amendment:

The Clerk read as follows:

Page 115, line 25, after the word "charges," insert the words "and receipts from disposal of power or power possibilities."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, also the following amendment:

The Clerk read as follows:

On page 116, in line 4, after the word "operation," insert: "Provided, That the net receipts from the operation of power plants shall be credited to the construction account to reduce the final amount due, and shall not be used to reduce the annual payments for construction, maintenance, and operation."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20967, the sundry civil appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. FITZGERALD. Mr. Speaker, I ask for a separate vote on the amendment appropriating \$400,000 for the investigation of the—will o' the wisp. [Laughter.]

The SPEAKER. The gentleman from New York demands a separate vote upon the Borland amendment. Is a separate vote demanded on any others? [After a pause.] If not, the Chair will put them in gross. The question is on agreeing to the amendments except the Borland amendment.

The amendments were agreed to.

HOOR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, under pressure from so many sources I am going to ask unanimous consent that the House vote on the Borland amendment and the final passage of the bill to-morrow morning immediately after the reading of the Journal.

The SPEAKER. The gentleman from New York asks unanimous consent that the vote upon the Borland amendment and the bill to final passage be taken immediately after the reading of the Journal to-morrow morning. Is there objection?

There was no objection.

FLOOD-CONTROL BILL.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 14777) providing for the control of floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, with Senate amendments thereto, and agree to the Senate amendments.

The motion was agreed to.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move the previous question on the Senate amendments.

Mr. TREADWAY. Mr. Speaker, I would like to ask why there is such great haste to pass this bill? It has been before Congress for a year, and now why pass it at a quarter after 11 o'clock at night?

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

On motion of Mr. HUMPHREYS of Mississippi, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

RETIREMENT OF JUDGES.

Mr. HENRY. Mr. Speaker, I offer the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

Mr. MANN. What is that?

Mr. HENRY. It is on the retirement of judges. I do not intend to press it to-night, but I want to present the report and take it up in the morning.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 434 (H. Rept. No. 1584).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 706; that the first reading of the bill be dispensed with, and that there shall be one hour of general debate, to be divided equally between those favoring and those opposing the measure. At the expiration of said one hour of general debate the bill shall be considered under the five-minute rule, and the Committee of the Whole House on the state of the Union shall report the measure to the House, whereupon the previous question shall be considered as ordered upon the bill and all amendments, to final passage without intervening motions, except one motion to recommit.

Mr. MANN. Mr. Speaker, I ask unanimous consent that if this resolution shall be agreed to the House shall not proceed to go into the Committee of the Whole upon it until the sundry civil bill is disposed of to-morrow morning.

Mr. GARRETT. Mr. Speaker, let us see what other business this will displace.

Mr. FITZGERALD. That is what I am interested in.

Mr. GARRETT. That is all right. There is no objection to that. I think the gentleman from Texas better not press that to-night.

Mr. HENRY. I feel that I should, and I move the previous question.

Mr. GARRETT. Mr. Speaker, there is another rule from the Committee on Rules that is coming to-morrow.

Mr. STAFFORD. Well, it is not here.

The SPEAKER. The Chair gives notice that if this rule is agreed to that he will recognize the gentleman from New York [Mr. FITZGERALD] to pass the sundry civil, notwithstanding the word "immediately" in the rule.

Mr. HENRY. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Texas moves the previous question.

Mr. KEATING. Mr. Speaker, I make the point of order of no quorum present.

The SPEAKER. The gentleman makes the point of order of no quorum. The Chair will count. [After counting.] One hundred and forty-three gentlemen are present—

Mr. FITZGERALD. Mr. Speaker, was the House dividing?

The SPEAKER. Yes; it was dividing on the previous question.

Mr. STAFFORD. The ayes had not been put.

The SPEAKER. That is correct; the House was not dividing.

Mr. FITZGERALD. Mr. Speaker, the rule has been presented and is pending, and I move that the House do now adjourn.

Mr. SHERLEY. Mr. Speaker, pending that, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Will this rule be the order of business when the House meets to-morrow?

The SPEAKER. After the sundry civil bill is disposed of. The Chair just notified the House that, notwithstanding the word "immediately" in this rule, he thought he ought to recognize the gentleman from New York to have his bill acted on first.

Mr. MANN. That is the unanimous-consent agreement.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9553. An act to provide a civil government for Porto Rico, and for other purposes;

H. R. 8229. An act to establish a national military park at the battle field of Gullford Courthouse; and

H. R. 18453. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p. m.) the House, under its previous order, adjourned to meet to-morrow, Wednesday, February 28, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting estimate of appropriations for the service of the United States Military Academy for the years 1917 and 1918 (H. Doc. No. 2092); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Federal Trade Commission, transmitting lists of documents and files of papers which are not needed or useful in the transaction of the current business of the commission and have no permanent value or historical interest (H. Doc. No. 2093); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor at and channel from the town of Rainier, Oreg., to deep water in Columbia River (H. Doc. No. 2094); to the

Committee on Rivers and Harbors and ordered to be printed, with illustration.

4. A letter from the Secretary of War, transmitting certain papers in connection with the personal injuries sustained by Francis Nicholson, San Francisco, Cal., upon the discharge of the evening gun at the Presidio of San Francisco, October 4, 1916 (H. Doc. No. 2095); to the Committee on Claims and ordered to be printed, with illustration.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel from the main ship channel of the Columbia River through Bakers Bay to the docks at Ilwaco, Wash. (H. Doc. No. 2096); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 2097); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an estimate deficiency in the appropriation for writs of lunacy, District of Columbia, for the fiscal year 1917 (H. Doc. No. 2098); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16173) to protect the hungry, the naked, the sick, and the dead in the District of Columbia from extortion, and for other purposes, reported the same without amendment, accompanied by a report (No. 1571), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, reported the same with amendments, accompanied by a report (No. 1575), which said bill and report were referred to the House Calendar.

Mr. HENRY, from the Committee on Rules, to which was referred the resolution (H. Res. 514) providing for the consideration of H. R. 6915, reported the same without amendment, accompanied by a report (No. 1579), which said bill and report were referred to the House Calendar.

Mr. MOSS, from the Committee on Mines and Mining, to which was referred the bill (H. R. 10830) to provide for the uniform selection and purchase of fuel to be used in the United States, reported the same without amendment, accompanied by a report (No. 1572), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on the Library, to which was referred the resolution (H. Res. 536) authorizing the Clerk of the House of Representatives to deliver the portrait of Gov. Howell Cobb to Mary Ann Lamar Erwin, of Athens, Ga., reported the same without amendment, accompanied by a report (No. 1578), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. MCKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 19112) for the relief of William M. Carroll, reported the same without amendment, accompanied by a report (No. 1569), which said bill and report were referred to the Private Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (S. 3509) to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1570), which said bill and report were referred to the Private Calendar.

Mr. WISE, from the Committee on Military Affairs, to which was referred the bill (S. 1362) for the relief of Lester A.

Rockwell, reported the same without amendment, accompanied by a report (No. 1573), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 747) for the relief of Wilbur F. Lawton, reported the same without amendment, accompanied by a report (No. 1574), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 21054) providing a system of national defense based upon universal liability to military training and service, and for other purposes; to the Committee on Military Affairs.

By Mr. BARKLEY: Resolution (H. Res. 539) providing for the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia; to the Committee on Rules.

Also, resolution (H. Res. 540) providing for the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia; to the Committee on Rules.

By Mr. GRAY of New Jersey: Joint resolution (H. J. Res. 383) to purchase bronze memorial tablet bearing Abraham Lincoln's Gettysburg address, to be placed in the Cabin Memorial Building; to the Committee on the Library.

By Mr. BRITTEN: Joint resolution (H. J. Res. 384) fixing the time for the next meeting of Congress; to the Committee on the Judiciary.

By Mr. MOON: Joint resolution (H. J. Res. 385) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of the Legislature of the State of Pennsylvania favoring volunteer retired bill; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of the Legislature of the State of Colorado, praying for a hearing and careful consideration by the new Tariff Commission of the interests of the tungsten mining products of Colorado; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOSTER: A bill (H. R. 21055) granting an increase of pension to W. T. Westmoreland; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 21056) for the relief of the dependent parents of Fred Ward, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 21057) for the relief of Abraham Beachey; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 21058) granting an increase of pension to William J. Smalley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of United German Societies of the City of New York, desiring a referendum vote in the event of war; to the Committee on Foreign Affairs.

By Mr. ALLEN: Memorial adopted by U. S. Grant Camp No. 100, Sons of Veterans, in defense of the honor and dignity of the United States; to the Committee on Foreign Affairs.

By Mr. AYRES: Petition of sundry citizens of Spring Valley, county of McPherson, Kans., against war with Germany; to the Committee on Foreign Affairs.

By Mr. BACHARACH: Petition of sundry citizens of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of sundry citizens and church organizations of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CANNON: Petitions of sundry citizens and organizations of the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CAREW: Petition of legislative committee, National Grange, protesting against the Underwood oleomargarine amend-

ment to the revenue bill; to the Committee on Ways and Means.

By Mr. CARY: Petition of Fred Schaeffer, secretary Beer Drivers' Union of Milwaukee, Wis., urging referendum and bone-dry amendments to the District prohibition bills; to the Committee on the District of Columbia.

Also, petition of Peter Emmerich, secretary Brewers' Union, No. 9, Milwaukee, Wis., urging referendum and bone-dry amendments to the District prohibition bills; to the Committee on the District of Columbia.

Also, petition of Frank J. Weber, secretary Federated Trades' Council of Milwaukee, Wis., urging passage of referendum amendment to the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of Charles Nicklaus, secretary Beer Bottlers, No. 213, Milwaukee, Wis., urging passage of referendum and bone-dry amendments to District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, memorials adopted at meeting of the Antiwar League at the Raleigh Hotel relative to the high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petition of Vicksburg (Miss.) Board of Trade and Mississippi Bankers' Association, relative to amending the Federal reserve act; to the Committee on Banking and Currency.

By Mr. COOPER of West Virginia: Petition of Bluefield Christian Church, Methodist Episcopal Church South, Bland Street Methodist Episcopal Church South, Young Men's Christian Association, Session Presbyterian Church, and Calvary Baptist Church, Bluefield, W. Va., numbering over 4,000 people, urging Congress to pass the national constitutional amendment providing for prohibition; to the Committee on the Judiciary.

By Mr. DALE of Vermont: Petitions of citizens of Orleans, Williamstown, and Barnard, all in the State of Vermont, favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of Pennsylvania Association of Union Volunteer Officers of the Civil War, favoring passage of House bill 386; to the Committee on Military Affairs.

By Mr. DOOLING: Memorial of Public Service Commission Association Rifle Club, favoring the establishment by the Federal Government of a suitable rifle range near New York City available for the use of civilian rifle clubs; to the Committee on Military Affairs.

By Mr. ESCH: Petition of sundry citizens of La Crosse County, Wis., protesting against a declaration of war without a referendum vote of all the people; to the Committee on Foreign Affairs.

By Mr. FOCHT: Petitions of residents of Washington, D. C., favoring the Sterling amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the food embargo committee of the city of New York, for the Fitzgerald bill for an embargo on food products; to the Committee on Interstate and Foreign Commerce.

Also, petition of several citizens of De Kalb, Ill., against being involved in the European war; to the Committee on Foreign Affairs.

Also, petition of the Inland Daily Press Association, for adequate preparedness and for universal military training and service; to the Committee on Military Affairs.

Also, petition of the Farmers' National Congress of the United States of America, protesting against the oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of members of St. Paul's Lutheran Church, Rockford, Ill., in favor of keeping out of the European war; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of the State of New York, for the protection of American vessels and other American property throughout the world; to the Committee on Foreign Affairs.

Also, petition of the University Club, of the city of New York, for defensive preparedness and universal military training and service; to the Committee on Military Affairs.

Also, petition of the Illinois State Society, for increase of salaries of Government employees as proposed in the House provision; to the Committee on Appropriations.

Also, petition of citizens of Oglesby, Ill., for prohibitory bills; to the Committee on the Judiciary.

Also, petition of the District of Columbia Referendum Association, for a referendum on the District prohibitory bills; to the Committee on the District of Columbia.

Also, petition of the Rockford (Ill.) Chamber of Commerce, for the Webb bill, to permit combinations in the export trade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of a member of the Massachusetts Branch of the League to Enforce Peace, relative to

the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, memorial adopted by the national executive committee at the Murray Hill Hotel, New York City, protesting against Chapters VI and VII of Senate bill 8148; to the Committee on the Judiciary.

Also, petition of sundry citizens of Boston, Brookline, Winthrop, and Cambridge, Mass., protesting against mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Roxbury and Boston, Mass., favoring a referendum vote before Congress declares war; to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of 44 people of Delaware County, Pa., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of Vicksburg (Miss.) Board of Trade and Mississippi Bankers' Association, relative to amending Federal reserve act; to the Committee on Banking and Currency.

Also, petitions of John J. Spielberger, of Brooklyn, and Cigar Makers' International Union of America, opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Mary E. Elmore, Brooklyn, N. Y., favoring universal military training; to the Committee on Military Affairs.

Also, petition of Thomas D. Green, president Hotel Association of New York City, opposing prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry organizations of New York, favoring the referendum and bone-dry amendments to the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of the State president of the Retail Liquor Dealers' Association, New York City, favoring the bone-dry and referendum amendments to the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of Rudolph Blank, Bath Beach, Brooklyn, N. Y., opposing the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of District of Columbia Referendum Association, Washington, D. C., favoring a referendum vote on the District prohibition bill; to the committee on the District of Columbia.

Also, petition of George L. Mitchell, jr., Brooklyn, N. Y., opposing the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, memorial adopted by Public Service Commission Association Rifle Club, favoring the immediate establishment by the Federal Government of a rifle range near the city of New York to be available for the use of civilian rifle clubs; to the Committee on Military Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, protesting against the passage of House joint resolution 84; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petition of sundry citizens of Bangor, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HARRISON of Mississippi: Memorials of sundry publications in favor of legislation favoring the exclusion from the United States mails of liquor, liquor advertising, and solicitation except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. HICKS: Petition of sundry citizens of Southampton, Baldwin, and Springfield Gardens, N. Y., favoring a prohibition amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of John J. Sheehan, August Kraatz, A. M. Eick, Ed. J. Rafford, Charles P. P. Bierne, and W. J. Matz, of Martins Ferry, Ohio, opposing prohibition in District of Columbia; to the Committee on the District of Columbia.

By Mr. KIESS of Pennsylvania: Resolutions from Christian Endeavor Society, Woman's Christian Temperance Union, Unity Lutheran Sunday School, Church of Christ Sunday School, all of Avis, Pa., and First Baptist Church of Mansfield, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of First Presbyterian Church of Meadville, Pa., favoring Alaskan and Hawaiian prohibition bills; to the Committee on Insular Affairs.

By Mr. LEWIS: Petition of Advance Hustler, Ora McDaniel, editor, Advance, Ind.; Chestertown Transcript, Collins and Bowers, editors, Chestertown, Md.; the New Era, J. E. Raine, Townson, Md.; Denton Journal, Melvin & Johnson, Denton, Md.; Maryland (Md.) Journal, M. L. Hunter, Baltimore, Md.; Salis-

bury Advertiser, J. B. White, Salisbury, Md.; Mount Democrat, H. A. Rasche, editor and manager, Oakland, Md.; Baltimore Southern Methodist, Carlton D. Harris, editor and business manager, Baltimore, Md.; the Laurel Democrat, T. M. Baldwin, editor, Laurel, Md.; Union News, Towson, Md.; Calvert Gazette, George W. Dowell, Prince Frederick, Md.; the Hancock News, George C. Huber, Hancock, Md.; the Carroll Record, B. B. Englar, editor, Taneytown, Md.; the People, C. C. Holloway, Snow Hill, Md.; Maryland Templar, H. Keen, Snow Hill, Md.; Maryland Tribune, E. D. C. Hegeman, Salisbury, Md.; the Times, Westminster, Md.; the Midland Journal, Ewing Bros., publishers, Rising Sun, Md.; the Brunswick Blade, J. H. Rinker, editor, Brunswick, Md.; and Marylander and Herald, Theo. R. Walker, manager, Princess Anne, Md., favoring the exclusion of liquor advertising and solicitation from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

Also, petition of the Methodist Protestant, of Baltimore; Valley Register, of Middletown; Wicomico News, of Salisbury; the Brunswick Times, of Brunswick; Baltimore Catholic Review, of Baltimore; Royal Service, of Baltimore; University Gazette, of Baltimore; Democrat and News, of Cambridge; the Times, of Boonsboro; and St. John's Collegian, of Annapolis, all in the State of Maryland, favoring exclusion of liquor advertising and solicitation from the United States mails, except to liquor dealers; to the Committee on the Post Office and Post Roads.

Also, petitions of Berlin Advance, of Berlin; Journal of Home Economics, of Baltimore; White Ribbon Herald, of Ashton; Civil Whig, of Elkton; Baltimore County Record, of Hampstead; the Oxford Press, of Oxford; The Methodist, of Baltimore; Hampstead Enterprise, of Hampstead; Hurlock Advance, of Hurlock; the Aegis, of Belair; and the Advance Hustler, of Advance, all in the State of Maryland, favoring exclusion of liquor advertising and solicitation from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

Also, resolution of sundry citizens of Brunswick, Md., favoring a referendum vote of all the people in the event of war being declared; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Petitions of sundry citizens of Baltimore, Md., favoring passage of bill for compulsory military and naval training; to the Committee on Military Affairs.

Also, memorial of the Old Town Merchants and Manufacturers' Association, of Baltimore, Md., relative to prohibiting malicious perversions of facts in newspapers, etc.; to the Committee on the Judiciary.

Also, petition of the social service committee of Baltimore yearly meeting of Friends, against legislation to curtail individual liberty; to the Committee on the Judiciary.

Also, petitions of P. S. Strother, George T. Duffin, and Samuel R. Anderson, of Baltimore, Md., favoring passage of House bill 17292, for the regulation of salaries of the custodian employees of the United States Treasury Department; to the Committee on Expenditures in the Treasury Department.

Also, petition of George T. Melvin, Annapolis, Md., relative to United States in war with Germany; to the Committee on Foreign Affairs.

Also, petitions of the Baltimore County Game and Fish Protective Association and Alice W. Ball, of Baltimore, Md., favoring passage of the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petitions of A. H. Colmary & Co., C. D. Heller, and Walter P. Summers, of Baltimore, Md., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of Thomas H. Davies and four members of the committee of the local Socialist Party of Bay City, Mich., in favor of embargo on foodstuffs and munitions of war, and protesting against war; to the Committee on Interstate and Foreign Commerce.

By Mr. MCGILLICUDDY: Petitions of the Baptist Church, Bryant Pond, and Leeds Baptist Church, of Leeds, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PETERS: Petition of Woman's Christian Temperance Union and 400 people of the First Baptist Church of Fairfield, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Baptist Church, Erin, N. Y., by Mr. C. J. Jackson, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Kennedy Corners Union, Ithaca, N. Y., by Mary E. Bundy, president, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Noble Conley, E. W. Morse, Rev. K. F. Richardson, and sundry other members of the Methodist Epis-

copal Church, of Watkins, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of "Beecher Central White Ribboners," of Elmira, N. Y., by Mrs. Hannah A. Faucett, favoring national prohibition and other temperance measures; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of 270 citizens of Ohio, favoring Rainey mixed-flour law; to the Committee on Ways and Means.

Also, petition of Henry Love and 24 other citizens of Athens, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of T. V. Brannon and 18 other citizens of Beardstown, Ill., against the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of J. F. Kyler and 14 other citizens of Kirkwood, Ill., favoring migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. REILLY: Petitions of sundry citizens of Markesan and Waupun, Wis., favoring prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Two Rivers, Wis., protesting against war; to the Committee on Foreign Affairs.

By Mr. ROGERS: Petition of 15 people of the Ayer Woman's Christian Temperance Union, Ayer, and 200 people of the First Unitarian Parish Church, Ayer, Mass., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Equal Rights Association of Kentucky relative to suffrage for women; to the Committee on the Judiciary.

Also, petition of the Commercial Exchange of Philadelphia, Pa., approving the President's action in regard to Germany; to the Committee on Foreign Affairs.

Also, petition of Jacob C. Klinck, Brooklyn, N. Y., favoring the Borland-Gallinger daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Miss Mary W. Pastone, the Manor, Albemarle Park, Asheville, N. C., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of W. M. Wadsworth, eastern representative of the Paramount Knitting Co., New York City, favoring the migratory-bird treaty act, also any legislation for universal military training; to the Committee on Foreign Affairs.

Also, petition of the Robert Graves Co., New York City, protesting against House bill 20573; to the Committee on Ways and Means.

Also, petition of Claflin, Thayer & Co., New York City, opposing the passage of House bill 17606, to limit the power of the Federal Reserve Board; to the Committee on Banking and Currency.

Also, petition of Ocean Parkway Methodist Episcopal Church, Brooklyn, N. Y., protesting against a wet referendum amendment to the District prohibition bill and favoring national prohibition; to the Committee on the District of Columbia.

By Mr. SHERLEY: Petition of sundry citizens of Louisville, Ky., pledging their support to the President on any action he may take in the present crisis; to the Committee on Foreign Affairs.

By Mr. SHOUSE: Petition of 30 people of the Embroidery Club, Stafford, and 115 people of the Coldwater Methodist Episcopal Church, Coldwater, Kans., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SNELL: Petition of the engineers, firemen, conductors, and trainmen of New York State, emphatically protesting against and disapproving House bill 20752 and Senate bill 8201, and requesting all legislators to vote against the same or any other bills containing similar provisions, by W. C. Whish, legislative representative, Brotherhood of Locomotive Engineers; J. E. Gray, legislative representative, Order of Railway Conductors; Thomas E. Ryan, legislative representative, Brotherhood of Locomotive Firemen and Engineers; John Fitzgibbons, legislative representative, Brotherhood of Railway Trainmen; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Resolution adopted by the Norman County (Minn.) Rod and Gun Club, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of 23 citizens of Polk and Norman Counties, Minn., favoring national prohibition, the bone-dry amendment, and against a referendum to the District prohibition bill; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Petition of citizens of Palisade, Colo., protesting against provision of the revenue bill imposing tax on corporations on excess profits; to the Committee on Ways and Means.

By Mr. TREADWAY: Petition of sundry citizens of the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WARD: Petition signed by officers of Methodist Episcopal and Friends' Church at Plattekill, N. Y., favoring the passage of prohibition measures; to the Committee on the Judiciary.

By Mr. WINGO: Petitions of sundry citizens and organizations of Arkansas, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, February 28, 1917.

(Legislative day of Tuesday, February 27, 1917.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment of the committee on page 15 of the bill.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber, and we want to vote immediately, if possible, on the pending oleomargarine amendment. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Sheppard
Bankhead	Gronna	McCumber	Simmons
Bryan	Hardwick	Martin, Va.	Smith, Ga.
Chamberlain	Hollis	Martine, N. J.	Smoot
Chilton	James	Myers	Sterling
Clapp	Johnson, S. Dak.	Nelson	Sutherland
Culberson	Jones	Norris	Thomas
Cummins	Kenyon	Overman	Underwood
Curtis	La Follette	Page	Wadsworth
Dillingham	Lane	Penrose	Weeks
Fernald	Lea, Tenn.	Shafer	Works

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. HUSTING, Mr. KIRBY, Mr. POMERENE, Mr. SHIELDS, Mr. THOMPSON, and Mr. VARDAMAN answered to their names when called.

Mr. TOWNSEND entered the Chamber and answered to his name.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE] through illness. I ask that this announcement may stand for the day.

Mr. HOLLIS. I have been requested to announce that the Senator from Delaware [Mr. SAULSBURY] is detained on official business.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The pending question is the committee amendment on page 15.

Mr. UNDERWOOD. Mr. President, there is a very small attendance here, and I should like to have a full Senate, but as far as I am concerned I am perfectly willing to let the vote be taken now and take the record vote when the bill gets into the Senate to-night.

Mr. STERLING. I send to the desk telegrams relative to the oleomargarine amendment, which I should like to have read.

The VICE PRESIDENT. Is there objection?

Mr. UNDERWOOD. What is the request?

The VICE PRESIDENT. The request is that certain telegrams about oleomargarine be read. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

PIERRE, S. DAK., February 28, 1917.

HON. THOMAS STERLING,
Washington, D. C.:

The legislature to-day passed the following resolution:

"Be it resolved, That the secretary of state be, and is hereby, instructed to telegraph to the Representatives of the State of South Dakota in the United States Senate and House of Representatives a protest on behalf of the Fifteenth Session of the Legislature of the State of South Dakota against the removal of the duty on oleomargarine."

FRANK M. ROOD,

Secretary of State,
YANKTON, S. DAK., February 27, 1917.

Senator THOMAS STERLING,
Washington, D. C.:

The dairy industry, one of the most important in South Dakota, will be vitally injured by the passage of the oleomargarine clause in Under-